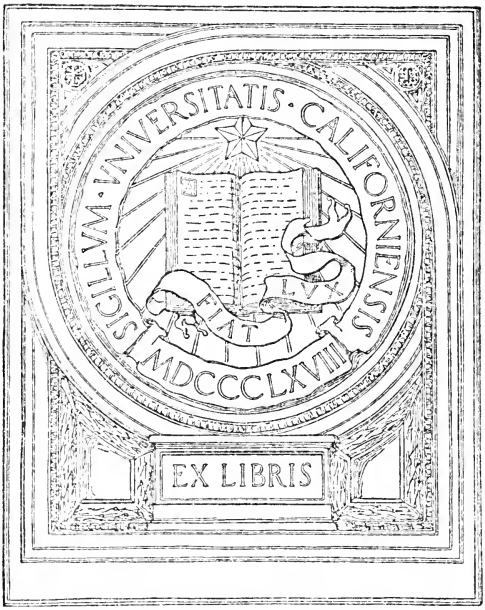
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A Secret Political League

WHO AND WHAT IT IS

ITS ANONYMOUS CIRCULARS

EXPOSED

AND

Court Cases Involving the Sex Problem

FRANKLY DISCUSSED

—BY—

BEN B. LINDSEY

JUDGE OF THE JUVENILE COURT

DENVER, COLO.

INDEX.

A Foreword and a Challenge

MANY people in Denver, to say nothing of the people outside of Denver, have little conception of the criminal methods of Special Privilege when it is once attacked. Recently, thousands of anonymous circulars and letters have been sent all over the United States, containing infamous misrepresentations, half-truths and lies concerning the Juvenile Court of Denver and its Judge. To answer many questions asked about these circulars, this pamphlet and challenge is issued by the Juvenile Court of Denver. It is not issued as a boast. The Court could have done nothing without the help of the good women of the state and its friends among all classes of citizens —men, women and children. *This pamphlet is a complete, and we trust, a final answer to these attacks.* It will present to the reader who cares to be informed, many interesting facts, as well as something of the methods by which the "Beast" fights—when it turns polecat.

Sex and Sin.

On page 48 will be found a review of the cases involving what we have called "Sex and Sin." These are the cases that have been deliberately misrepresented to the public by the enemies of the Court. The presentation here made can be depended upon as taken with substantial fairness and correctness from the records of the courts and from those who have knowledge of the evidence, of the testimony, the difficulties and the handicaps in these cases. IT SHOWS AN INCREASE IN EFFICIENCY IN THE PROTECTION OF GIRL CHILDREN OF FROM SEVENTY TO THREE HUNDRED PER CENT OVER THE FORMER HANDLING OF THESE CASES IN THE CRIMINAL COURT. *It ought to be important reading for every father, mother and good citizen interested in the great problem of sex and sin.*

Appreciation of the Press.

The Court wishes to acknowledge its appreciation of the help rendered by the *Philadelphia North American,* and those

THE country has recently been flooded with circulars attacking the Judge and the Juvenile Court of Denver. Most of these circulars are anonymous. Where a signature appears it purports to be issued by "The Woman's Protective League." Investigation has been carefully made in Denver, and so far as can be ascertained the only persons known to be active for the Woman's Protective League are Mr. Rodney Curtis, E. K. Whitehead and a Dr. Mary Elizabeth Bates.

The Woman's Protective League Exposed.

Under cover, so far, this organization is secretly backed by some of the worst of the old political enemies of the Juvenile Judge; certain well known political hacks, soreheads, and past or present beneficiaries of the corrupt interests we have helped to fight in Denver. Among this latter class are types of individuals who have in the past, and will, no doubt, in the future, sink to any depth of degradation. They will sign anything, say anything, do anything. Such creatures are the results of every community's struggle for right and justice. So far, they are dodging about in the dark and have not come out openly as they may be forced to come out at a later period. For the sake of a political job, or to revenge themselves upon others for their failure to get it, they are known to be capable of any sort of infamy. While their numbers are limited, it can be expected that they will be kept and used in this struggle as they have been in past struggles. Fortunately, their character, connections, animus and motives are so well known in Denver that, as a rule, they are not the serviceable instruments they are expected to be. No doubt this class will be lined up with the Woman's Protective League. In such a struggle there is also a certain class of "eminently respectables" who, for various personal, political and business reasons, and a share in the crumbs that fall from the table of special privilege, are counted upon to lend the attacks respectability.

Criminal Methods of a Secret Political League.

These attacks consist of a skillfully prepared series of circulars dealing with what are known as the sex cases in the Ju-

venile Court of Denver. The cleverness of the thing is at once apparent. A jail blotter, or alleged court records that do not pretend to give the evidence or the facts in a single one of these cases, is cunningly prepared so as to make it appear that many of them, dismissed by the District Attorney, or found not guilty by a jury, were discharged by the Judge of the Juvenile Court, or, where guilty, probation, or some sentence other than states prison, was applied, when all the circumstances warranted or required such disposition, that there was something wrong about the action of the court. The readers of the circulars, thus tricked and lied to, are supposed to be aroused to some sort of frenzy or indignation against the Judge and the court. To further their purpose in seeking to produce this effect, are circulars containing outrageous misrepresentations of the facts as to several of these cases there specifically dealt with.

Unfair Criticism.

Any fair-minded person must know, if they will only pause to think, that no one can honestly criticise the action of the court in these difficult cases unless they know all the facts and the evidence. Unless the Supreme Court itself observed the witnesses and the parties, their demeanor and appearance as they testified, or appeared in court, the rule is that they have no right, even on the facts, to question the wisdom of the court in such a case. Yet, upon this kind of a trumped-up series of anonymous circulars, and deliberate misrepresentations, these enemies of the court, who made no pretense that they ever heard the evidence in a single case, are proclaiming loudly in Denver and throughout the nation that it is their justification for asking for the recall of the Judge of the Juvenile Court of Denver.

No Mother or Girl Complaining.

An interesting fact is that no parent of a child is complaining, no mother of a girl, or any girl, or her real friends or relatives, and none of the alleged outraged victims or their mothers, have ever lodged the slightest complaint anywhere.

Effort to Poison Country Against Court.

While no fair-minded person believes that they can succeed in poisoning the atmosphere against the object of their hatred to such an extent as to produce what they have called "the psychological condition," when they may be able to make their modern methods of assassination successful, it must be admitted that they can—as they have time and again in the past by similar methods—cause a great deal of annoyance and expense to the court and its Judge. Time and again during the past few years has the Judge of the court been called upon to answer, at large expense, thousands of letters, mostly from friendly sources, inquiring as to the cause and meaning of these attacks. It is out of regard for such honest inquirers, and because of the opportunity to show up again the methods of the powers of privilege that this court has offended for its part in the battle for human rights and justice, that this statement of the situation is made. Our purpose then is to answer some of the questions our friends have asked us, such as:

Questions Asked.

"Who are the authors of these circulars?"

"What is the motive and purpose of these constant attacks upon the Juvenile Court of Denver and its Judge?"

"What are the real facts about the sex cases that have furnished material for their latest circulars, charges and anonymous letters?"

"Is there any truth in their claim that they are going to recall the Judge of Denver's Juvenile Court?"

Taking these queries up in their order the following are the facts:

Who is Mr. Rodney Curtis?

Who is Mr. Rodney Curtis? He is ex-President of The Denver City Tramway Company, and one of Denver's wealthy citizens. One of that type obsessed with the idea that the utility corporations that have robbed the city of Denver *are* the city of Denver. That to question their known court-proved political corruption is "to knock the town and hurt business." A man of this type who has a vacant house, or who finds his

stocks in the public service corporations declining because their claims to perpetual franchises have been denied through activities in which the Judge of the Juvenile Court has participated, is, of course, convinced that the Judge is a dangerous man. He readily lends credit to all the slanders circulated about him or the court.

Activity of Ex-President of Denver Tramway Company.

So it is Rodney Curtis, former president of the city railroad company and retired capitalist, who personally visits one of Denver's leading women to interest her in the Woman's Protective League. Just how many prominent women the ex-president of the city railroad company thus visited is, of course, not known. But so far it is true that no self-respecting woman of Denver can be prevailed upon to head the Woman's Protective League. Those associated with it have bitterly and vindictively fought measures designed to change the conditions responsible for most of the woes of little children. They always "front" for those charities that salve the sores for which they are most responsible. When we dig into the conditions that made the sores, that ruin homes, or deny parents justice, and hurl a million little children—boys and girls—into the courts and institutions of this country, they make frantic appeals against us. Why? Because they are profiting from a system that makes for their woes and misfortunes; that grinds dividends out of their tears, their virtue and their blood. They may become the active promoters or financial backers of "fake" organizations like "The Woman's Protective League." They tell the world the feeble lie that its object is to "protect the girl children of Denver." They know its object is to destroy those who would dare help protect the children of this country.

A Question for Mr. Curtis.

When the city railroad company, of which Mr. Curtis is the ex-president, was in league with the soul-killing gamblers' syndicate and brothel-keepers of Denver to get the power to steal and hold their privileges, how much concern did he have for the hundreds of women and young girls that were degraded and ruined in order that others might line their pockets with the

proceeds of their misery and shame? It was a time when the court and its Judge were fighting these creatures and sending them to jail in spite of the powers trying to protect them.

Who is Whitehead?

E. K. Whitehead is the secretary of the humane society of Denver. It is a private corporation. For many years it was controlled and dominated by the then President of the Denver Union Water Company, one of the kind of public service corporations responsible for the political corruption that has come to every city where special privileges are to be had. For many years this utilities corporation head was the president, chief promoter and backer of this society. It was one of the corporations connected by business, social and political ties with the political Boss of Denver, the present President of the Denver City Tramway Company. *Having back of them this terrific political power, a law was passed by the legislature in 1901 declaring this private charity a state bureau. It then became no longer necessary for these rich men to put up the money to support it. But their private board of directors continued to name its officers and let Whitehead use it for such political purposes as he pleased. By a cunning evasion of the law it has drawn in favors and in money between sixty and seventy-five thousand dollars from the state treasury in violation of five or six positive provisions of the constitution of the state of Colorado.

Constitution Violated.

These declare that the legislature shall not make "any appropriation for charitable, indutsrial, educational of benev-

*For most of its existence the head of this society has been, as recently, the millionaire head of a big mining or utility corporation. Being dominated by these influences, it is not to be wondered, that through the cunning of Whitehead, who is the creature of their bounty, they have so bitterly fought laws, such as the last child labor law to take children out of the mines and coke ovens, where sworn statements and testimony showed they were being exploited. It is not to be wondered, that through the most skilful methods known to crooked politics, some of their agents have entered actively into the political struggles of this state, in open or secret efforts to defeat laws to advance social and industrial justice. The crimes of capital are bad enough. But to capitalize the woes of little children to sink them deeper into poverty and misery, is a crime for which they will some day have to answer before the throne of justice. As we go to press Mr. Evans is reported to have resigned as president of the Tramway Company.

olent purposes, to any person, corporation or community, not under the absolute control of the state, nor to any denominational or sectarian institution or association" (Article V, Section 34), or delegate any power of state "to any private corporation or association * * * to perform any municipal functions whatever" (Article V, Section 35), "or make any donation or grant to or in aid of * * * any corporation or company" (Article XI, Section 2), and that "the general assembly shall not pass special laws * * * for granting to any corporation, association or individual any special or exclusive privilege" (Article V, Section 25), and that "every person having authority to exercise or exercising any public or governmental duty, power or function, shall be an elective officer, or one appointed, drawn or designated in accordance with law by an elective officer or officers, or by some board, commission, person or persons legally appointed by an elective officer or officers, each of which said elective officers shall be subject to the recall provision of this constitution" (Article 21 of this constitution).

Whitehead not Elected or Appointed.

It is not generally known to the public that this man Whitehead is neither elected by the people, nor appointed by the governor, or any board that is in turn appointed by the governor elected by the people. He is not subject to the recall. He is the one so-called state officer who is absolutely above the people and unanswerable to them or any one but his own private board of directors. This board contains good people mixed with the creatures of privilege who always control it. It is not generally known that they have no more right to this $50,000 than has the superintendent of the Crittenten Home, the Jewish Consumptive Home, the Catholic orphanage, the Protestant orphanage, or any other charitable or religious institution. Yet his private society is given amazing power and money by the state. It was given and has been kept largely by these political influences in violation of the solemn mandates of the people of this state. Whitehead is named and kept in office by the private board of directors of the private society; drawing his money from the state, he is even given the right

to use in his circulars attacking the court, the name of the governor, the attorney general and superintendent of schools of this state, whether they wish it or not. Other humane societies are supported by private subscription like other private charities.

Humane Society Dragged into Corrupt Politics.

No one objects to this charitable work. But we do object to their lawless grants and political power. We do object to this work being dragged into politics and its repeated use for pernicious political purposes. For no such amazing power was ever before given to any private corporate interest to be used as it has been repeatedly used for the political purposes of the utility corporations, in attempting to destroy those who have fought them. It was these men and their political allies who suffered most from the story known as "The Beast and the Jungle," which ran in "Everybody's Magazine" for nearly a year, and which was a complete expose of their methods of robbing not only the people of our city but the people of all cities. In this fight they frequently assumed that they were the city. Whatever was said about their methods of pillage, they retorted that it was said about the city and thus the robbers of the city cunningly sought to set the city against its defenders.

Private Charity Used by Corruptionists.

Whitehead, as one of the "white shirt fronts of respectability," in a palliative work for children and dumb animals, that as a work has the approval of every right-minded person, proved to be one of their most effective tools in our fights against them. After the appearance of the first issue of our story in "Everybody's Magazine," an appeal was made by one Perry Clay, one of Boss Evans' notorious henchmen, to the Humane Society to have Whitehead make an attack upon the Judge of the Juvenile Court of Denver. It was believed that because of his position as secretary of the Humane Society, that is supposed to protect dumb animals and children (but has protected best the Beasts of privilege), it would have much more weight than if made directly by the bosses themselves.

Whitehead willingly accepted the commission thus asked for by the corrupt interests, and from the fall of 1909, when the story began, down to date, Whitehead has issued circular after circular viciously attacking not only the Juvenile Court of Denver and the Judge thereof, but insisting that ALL juvenile courts were a failure and the kind of institutions that ought to be abolished. Many of these circulars and attacks of Whitehead were republished in the notorious Boss Evans' "Clay's Review" of Denver, and in some of the corporation daily newspapers in league with them. They were circulated like the present circulars, by the tens of thousands all over the country. This has gone on during the past four or five years. Each attack was promptly answered, its falsity demonstrated, until Whitehead, as a tool for the interests, has become more or less dulled. In his preparation of the latest circulars it thus became necessary to hide him behind the skirts of a "Woman's League."

After the Supreme Court had rendered a decision declaring the law for the protection of women and children wage earners unconstitutional, because of its faulty title and construction, the women's clubs with the assistance of the Juvenile Court presented to the legislature a child labor law to cover the constitutional defects and to protect thousands of children laboring in factory, mill and mine that were never protected before. *Whitehead's bureau, under the name of the "Child and Animal Protection" Magazine, immediately pounced on that bill. A short time previous they circulated pamphlets all over the state that *there was "no child labor in the state of Colorado."* In their pamphlets they bitterly and vindictively abused the Judge of the Juvenile Court for his activity for adequate child labor protection. In their magazine of January, 1911, that was delivered personally to every member of the legislature, they boldly proclaimed:

***It is referred to in this way because it is notoriously known that many of the directors never attended the meetings. That for the past seven years the society has been under the control of the corporation interests, led by such notorious political tools as Wilbur Cannon, one of Boss Evans' servile henchmen, who figured in the "Beast and the Jungle" stories. There is also a minority of very respectable, honest people, who are put on the board to lend it respectability and to cover up Whitehead's political activities in behalf of the corrupt, corporate interests of the state.**

Crime Against Childhood.

"THIS BUREAU IS NOT ANXIOUS TO HAVE A CHILD LABOR LAW ENACTED. THE PROBLEM OF CHILD IDLENESS IS FAR MORE SERIOUS THAN CHILD LABOR IN THIS STATE." And all this notwithstanding members of the Factory Inspector's office had issued signed or sworn statements disclosing shocking conditions of child labor and that children as young as ten years of age had been employed in the coke ovens and about the coal mines. These facts disillusioned any of us who had before believed there was no child labor in Colorado. Yet these creatures of privilege that would defend a child from a beating by a brute, or arrest an ignorant Italian laborer working for the Colorado Fuel and Iron Company, for beating a mule, were, by every activity known to shady politics, moving heaven and earth to defeat this effective child labor law to prevent corporations from burning out the lives of children in mines and coke ovens. As a last desperate resort to defeat a genuine law they proposed a "fake" child labor law that contained the same constitutional defects that permitted it being declared unconstitutional. BUT OUR CHILD LABOR LAW WAS PASSED IN SPITE OF THEM.

Modern Herods.

All people applaud their acts of protecting child or beast against the brutality of an individual. But the infamous hypocrisy and cowardice of it all is that this spectacular palliative sort of work is thus used to cover up the crimes of the Herods of this state who are putting thousands of little children to the modern sword of greed and avarice.

Complaints of Labor.

Labor unions had complained time and again of its political and capitalistic control, they claimed, as shown by the pickets and special officers bearing the badge and certificate of Whitehead's Humane society in violation of the constitution. They alleged they were being used to threaten or shoot down laboring men in the various strikes and conflicts between capital and labor in Colorado.

Mothers Compensation.

When the mothers' compensation law was proposed, that put a slight tax on capital in the interest of burdened motherhood, it was the agents of this society that viciously opposed the legislation through the circulation of statements as recklessly false as the circulars of the Woman's Protective League.

In our fights for eight hour laws, employer's compensatory, liability and accident laws, the abolition of assumed risks and other measures really designed to protect the American home and the child by protecting its parents, this society through some of its agents has either been inactive or secretly or openly in alliance with the powers of privilege. No more pernicious, dangerous political activity has ever been shown by any secret or political organiaztion in this state than this society in fighting the cause of the people, the cause of justice and humanity. In doing this they have masqueraded behind the immediate sufferings of little children in order to bolster up and support a system of infamy and injustice that is robbing thousands of children of their birthright. And all of this has been done with over $50,000 illegally extracted from the state treasury of Colorado.

Other Contemptible and Shameless Conduct.

We have pointed out the Farnsworth case used by Dr. Bates in her first circulars to reflect on the Juvenile Court on page —. This is an illustration of how Whitehead's office lent itself through inactivity and inaction to the protection of a wealthy, prominent, ex-politician and office holder, and to rooming house keepers and wine rooms. The girl that Farnsworth offended had also been offended by these various creatures of vice against whom Whitehead's office made not one single move —unless they were forced to by the threatened lambasting of the Juvenile Court.

One Law for the Rich Another for the Poor.

Another kind of business that they have lent themselves to is to take some poor, ignorant foreigner to the West Side Criminal Court—deliberately avoiding bringing the case to the Juvenile Court—in order that the Juvenile Court should have no credit for the conviction; and being without any defense,

without friends and frightened into pleading guilty, it would be sure of conviction and add to their records in the Criminal Court, that they are constantly trying to bolster up in order to issue circulars making unfavorable comparisons with the work of the Juvenile Court. This is done to bring about the "psychological condition" to destroy the Juvenile Court. The difficult cases, where there is a defense by able lawyers, have been generally brought to the Juvenile Court, and an acquittal by a jury or a dismissal by the district attorney in such a case is then gloatingly compared with the conviction of some such poor devil who had no money and could make no defense in the West Side Criminal Court. We don't object to his punishment, but we object to cowardly conduct and discriminations. For years they knew of a case on the docket of that court against a relative of one of Boss Evans' most notorious henchmen for outrageously violating a little girl, but not a hand did they lift to push that case to prosecution. It was quietly *dismissed* by a prosecuting officer.

Some Discriminations.

When a man like George N., one of Whitehead's officers, is prosecuted in this court and defended by counsel, they make no effort to join with the Juvenile Court officers in prosecuting him. When a well known lawyer who was formerly connected with one of the biggest corporation law offices in the state of Colorado is accused at Greeley of an offense against a little girl, it was Whitehead who, by every means in his power and that of his powerful political office, helped to secure the acquittal of that man who, if the charge was true, ought to have been punished.

When a prominent citizen and now former ex-governor of the state—through a very bad temper that he is known to have—was alleged by Whitehead to have brutally mistreated a horse, Whitehead loudly proclaimed at the Juvenile Court in the presence of witnesses that he would resign from the society unless that big, prominent man was prosecuted (just the same as an ignorant Italian in the coal pits of the Fuel and Iron Company for beating a mule). But the president of Whitehead's society was also the president of one of Denver's big

four utility corporations. He called Whitehead on the carpet. In the language of the politicians, he told Whitehead "where to head in." Whitehead knew where his power came from and on which side his bread was buttered. The facts and the undisputed records are that the case was then dropped. It is this outrageous discrimination and pernicious political activity of this private corporation that through its servile tool of privilege, Whitehead, made it a stench in the nostrils of the people who know its real record.

Betrayal of Women and Children.

All of its work, however meritorious—and some of it is very meritorious—in protecting children and dumb animals from immediate physical violence, is as nothing compared with this brutal betrayal of the women and children of Colorado when it comes to the greater problems of social, economic and industrial justice.

Who is Dr. Mary Elizabeth Bates.

In these attacks Whitehead had no more faithful ally and sympathizer than a Dr. Mary Elizabeth Bates. She is the only know woman member of the Woman's Protective League. On several occasions during the "Beast and the Jungle" political wars, she attacked the Juvenile Court. She appeared in the District Court with Whitehead several years ago in one of the most notorious and contemptible of these attacks, when two little girls were taken out of a home on a habeas corpus writ against the wishes of their parents and themselves, in order that a shameful, contemptible circular could be issued by Whitehead and "Clay's Review," trying to convince the country that the Juvenile Court was a lawless institution and did not respect the rights of parents and children.

Her Former Attacks on Court.

On another occasion Dr. Bates engineered an attack against the court that was duly chronicled on the front page of the corporation newspapers fighting us. She caused to be resurrected the long extinct Board of County Visitors, got herself appointed as chairman and claimed that as

such chairman she was entitled to be notified before any trial in the Juvenile Court could be heard. Scarehead statements then appeared in print, that all of the court proceedings were illegal because she wasn't notified, and then when we invited her to come to all trials she refused to come, proving her plot was to hurt the court by the notoriety she was constantly seeking. Two attorneys on the same committee with Dr. Bates resented her attacks and told her that, as to the law, she was wrong, and some of her committee threatened to resign, and we are informed afterwards did resign because of the recklessness and injustice of her attacks. There isn't space to go into the details of these past attacks made by the same influences using the same people. It is sufficient to say that they all fell flat, or died a-borning; but this was not until after much annoyance and expense in showing up their falsity.

Notorious Reputation for Recklessness.

Dr. Bates acquired the habit of making reckless, evil charges against public persons or institutions: she attacked men like the Secretary of the Anti-Saloon League in his fight against vice; against institutions like the County Hospital, the County Commissioners and the Old Ladies' Home. No better example of her well known recklessness in notoriety seeking attacks could be offered than her charges against the Old Ladies' Home.

In March, 1911, she gave wide publicity and signed her name to serious charges against the management of the institution, as follows:

"1. Gross mismanagement of the entire institution.

2. Abuse of and cruelty to the inmates, mentally and physically.

3. Dishonesty of management and employes.

4. Insufficient help, nurses.

5. Criminal neglect of the helpless, sick and dying.

6. Improper food, badly cooked, badly served, many times tainted and unfit to eat.

7. Obtaining money under false pretenses.

8. Selling liquors without a license.

9. Immorality among the help in the institution.

10. Graft.

11. Rules for admission and dismissal of inmates and for their government while in the institution are harsh and inhuman, and permit the exercise of uncalled for hardships and cruelty to the helpless and infirm inmates, and make the so-called "Home" a "Hell."

The natural assumption would be that no one in their right mind would make such charges without careful investigation and some evidence upon which to base them.

Convicted of Irresponsibility.

On March 20, 1911, an investigation of these charges was undertaken by the State Board of Charities and Corrections. The board is composed of Rev. Father William O'Ryan, Rabbi William S. Friedman, Mr. Lafayette M. Hughes (son of the late United States Senator Hughes of Colorado), Mrs. Nettie E. Caspar, Mrs. Ella S. Williams, and former Judge William Thomas. This board reported that "forty-eight witnesses were duly sworn, examined and heard during three days, consisting of morning, afternoon and evening sessions."

The board presented its report to the Governor, in which it found that the evidenc introduced by Dr. Bates on behalf of the board that she represented when she made the charges *"is wholly insufficient to sustain a single allegation,"* and "the board finds that the investigation made prior to the presentation of the charges, *was most superficial in its character, and is satisfied that if the serious consideration which the character of the charges warranted had been given, they would have been found to be without merit, and the board finds, after painstaking investigation of the conduct of the Home, that its physical condition, its management and care of the inmates are excellent."*

The Fakery and Hypocrisy of the Attack.

The hypocrisy of this whole wretched bluff at a recall and the plot against the Judge of the Juvenile Court couldn't be more conclusively shown than by the letters and confessions of Dr. Bates.

Confessions of the Opposition.

Last winter (1912-13) on the stationery of the National Educational Association, to lend some credit to herself, Dr.

Bates began to write dozens and perhaps hundreds of letters to various people of prominence in the east, making false and sensational charges against the Juvenile Court. At first she sent these letters to prominent suffragists. To poison their minds against the Court she enclosed various false statements and records in sex cases.*

Their Appeal to Anti-Suffragists.

The suffragists investigated Dr. Bates, and after finding out her part with Whitehead in his past efforts to help the public service corporations, in our fights against them, they would have nothing to do with her. She then began to send her letters, with the same character of alarming enclosures to leading anti-suffragist influences and newspapers in the East. She sent a long appeal to the New York Times. She sent sensational statements to others in the East reflecting on the women of Colorado and those who have championed progressive measures, hoping thereby to invite the anti-suffragist and Tory attitude to secure unpleasant publicity for the state and cheap notoriety for herself. But even the temptation of a sensational story on her favorite topic was not sufficient to accomplish her purpose. They would have nothing to do with her. She sent her letters and circulars to prominent Eastern doctors like Dr. Prince A. Morrow and others. The originals and copies of some of these letters have been sent or shown to us upon a number of occasions. She stated in these letters that "last July" (1912) she had "heard of the efforts of the Juvenile Court to protect men who violated the chastity of girls." Indeed, she says she had been hearing of it for years. To quote from her letters: "I had heard from time to time for some years of cases, apparently not properly handled for the protection of children in the Juvenile Court but now (parenthesis and italics are ours)—(in July, 1912)—I thought it was time for me to find out just what the Juvenile Court actually did do in such cases. *It seemed fitting that I should investigate it.* I copied the names, charge, days of

*It is known in Denver that most of Dr. Bates' time is taken up in agitating some phase of this problem. She seems to have regarded herself as divinely appointed to regulate the race in Colorado in such matters. At every legislature she appears with a batch of bills prescribing new regulations and reforms in the relations of the sexes..

reception and discharge *from the Denver County Jail,* legal process, age, occupation, disposition, etc., of every case that was handled in the Juvenile Court, *that had been received at the Denver County Jail."* She then goes on to state that largely from this kind of a "record" in sex cases she found a "shocking state of affairs"—as to the Juvenile Court. She drew a startling comparison. She found in the Criminal Court a man by the name of Farnsworth had been sent to the penitentiary for ten years for rape; whereas, in the case of "a man by the name of Kinsella who had raped three girls and tried in the Juvenile Court where Judge Lindsey did nothing until the third victim, when he sent the man to the reformatory for four months."

Their Efforts to Shield Guilty Men of Wealth and Political Power.

She made no effort to find out that there was a prominent politician and wealthy citizen—a former officer and official of Denver who also committed an offense against the same girl that Farnsworth had violated, and that the Criminal Court had done nothing with the man of influence, but through Whitehead's office had steered him clear of the Juvenile Court and sent the "poor devil" who had no friends or influence to the penitentiary, and by inaction did everything they could to protect the prominent citizen. She did not state that it was the Juvenile Court that brought that prominent citizen before the bar of justice and "lambasted" Whitehead's office and all who had anything to do with it for not also prosecuting the wealthy prominent citizen, former politician and office holder. She discovered this later and she and Whitehead very carefully eliminated it from their second edition of circulars.

The Truth About their Comparisons.

Of course, her statement about this "man" Kinsella having raped three girls was absolutely false. The court records, testimony and evidence show that in two of the cases against this boy of 17 the girls swore that he had no such improper relations with them, and the district attorney dismissed the cases; and in one of the cases where, through the administrative work of the court, he was found guilty, he got the very extreme penalty that

the court is permitted to impose against one under twenty-one years of age, as hereafter pointed out in this pamphlet.

Why the Charges Were Concealed Until After Two Elections.

But she goes on to state that from this kind of a "record" in sex cases, it was very important to get after the Judge of the Juvenile Court. He had to stand for re-election within four months from July, 1912, at the November election of 1912, and go through a primary election preceding the general election. So she proceeds: "I interviewed many lawyers BEFORE and AFTER the nominating primaries and I could not find one who would or who knew of one who would dare run the gamut of villification sure to be visited upon them by the three newspapers—*News, Post* and *Erpress*—that play the game of the Judge for the added power it gives them." Concealing half the truth which makes the other half worse than a lie, she did not tell her correspondents and the eastern papers that there wasn't the slightest trouble in getting an opposition candidate, and that there was an opposition candidate supported by the Denver *Republican* and the *Denver Times*, and that neither the *News, Post* or the *Express* uttered one word of "villification" against that candidate who received less than eleven thousand votes out of fifty-eight thousand cast for the office, and the present Judge of the Juvenile Court was elected by 35,000 majority. In her desperate efforts to get the anti-suffragists and newspapers in the East to take up her slanders against Denver and the women of Denver, she did not explain the reasons why those who hide behind her were willing to burden themselves with the crime of withholding these "horrible conditions" from the people of Denver.

Why a Recall Election When They Concealed Their Charges Before Several Regular Elections.

They had every chance without the necessity of added expense for a "recall" election to have tried them all out before the people. And they had this opportunity during four years within

which time the Judge of the Court ran at elections four times and for appointment one time.*

Why They Cowardly Dodged the Issue.

During all of this time they confess in these private circulars that they knew these "facts." Why did they dodge the issue? Because there was no such issue. There was nothing in their charges. And they knew it. Otherwise, these people are deserving of the severest condemnation from the people of the city of Denver for withholding all of these horrible discoveries through four elections.

Their Threat to Recall the Judge is for Outside Consumption.

There is no more sincerity than truth in their wholesale circulars spread over the country that the Judge of the court is to be recalled. *They know that he is not to be recalled. They know that they haven't the slightest intention of starting any genuine movement for a recall. They have had four months to do it and so far they have not even started a petition or secured a signature. If they used the money they have to use to get the 12,000 signatures to put the Judge to another election they know they would be "licked out of their boots."*

Opposition Already Publicly Convicted of Dishonesty.

Thus they stand convicted of the hypocrisy and fakery with which they have been charged. Their only possible purpose could be the purpose that our friends have urged, namely, one of the ever recurring attacks that have gone on for the past six years. These are intended primarily to harrass and annoy the Judge and impoverish him as far as possible in health and in purse, and minister to their vindictiveness and hate. It is a noteworthy fact that while they have outrageously exaggerated the absences of the Judge from Denver, they always take advantage

*This was because of the expense he has been put to unnecessarily through the mooted legal question as to whether his office is a county office or a state office—the politics of the situation compelling him to run at both elections, for they are held at different periods of the year. The result has been the Judge has stood for election seven times and appointed three times in twelve years. He was elected every time with ever increasing majorities.

of such absences by making these periodical attacks. The peculiar conditions and causes of his recent absence from Denver seemed at first to afford the kind of opportunity they generally embrace. The Judge was confined during May and June in the Battle Creek Sanitarium, following a threatened nervous breakdown from which he had been suffering for several months.

A Cowardly Advantage of False Alarms.

There, on the advice of the doctors, the Judge underwent an operation, but that operation was much exaggerated by the newspapers. During all of his illness at the Sanitarium, he was not confined in bed for much more than two weeks in all—abou' a week from the operation, and later an additional week from fever. He was, nevertheless, in such a state of health that his physicians ordered several months of quiet and rest. Surely, this was not an unlikely state of affairs after a ten years' struggle against the powers of Special Privilege, without as much as a week's vacation. The Judge's vacation periods, as is well known, were taken up by his lecture work that offered little chance for rest.

Their Change of Front.

But the exaggerated reports of the seriousness of the Judge's condition were no doubt haled by the enemy as a proper time to make their attack. They afterwards discovered, that while the Judge was on the verge of a breakdown, his illness was by no means as serious as some of the newspapers reported, and only a period of rest and quiet was required for him to get back his strength. But having shot their bolt and found their mistake, they then sought to cover up the infamy of falsely attacking him, when they thought he was stricken down, by circulating the story that the Judge was not ill at all, and that there was no occasion for his absence, though his breakdown was known to be certified to by eminent specialists. This was due, in part, to the fact that the Judge, who suffers frightfully from hay fever-asthma in Denver during July and August, was ordered by his doctors not to attempt to stay in Denver during those two months.

Absences Justifiable and Proper.

Being entirely free from this malady in Pennsylvania, and needing money to pay bills, many of which had accumulated on account of the campaign and battles against these powers of Special Privilege, he had, again against the advice of his doctors, but free from the asthma attacks, endeavored to carry on his lectures during July and August when most of the other Judges are away and when the Judges by all custom have every right to be on their vacations, or use such vacation time as the Judge of the Juvenile Court has ever used it for the advancement in the nation of the cause that he has tried to help. These conditions of illness and circumstance kept the Judge of the Juvenile Court absent from Denver in 1913 for five months and twelve days.

Absence Due to Illness.

But more than four months of the time was absolutely necessary on account of illness, as certified to by his physicians. These were the conditions that seemed to favor our old enemies, employing again, as in the past, the known recklessness, jealousy, hate and vindictiveness of Dr. Bates and Whitehead to try for the tenth time their old game "to get" the Judge of the Juvenile Court of Denver. And such is a statement of the facts as to the character of the enemy, the circumstances of their latest attacks, and their degrading hypocrisy.*

NOTE: One of the amusing episodes of their insincerity is the fact that when the Judge is away from Denver, he is constantly attacked by these enemies for not being at home doing what they say, when he is at home, he is unfit to do. Of course, other Judges have also been away for equal lengths of time on their vacations. Many of them have been away on account of illness from six to nine months. So far as we are advised in these cases, the taxpayers pay for the assistants who take their place. When the Judge of the Juvenile Court has been away it has not been at the expense of the taxpayers. He pays his assistant out of his own pocket. He is working for the public and promoting the cause of childhood and humanity and trying to get the funds to carry on his fight. In the cases of other Judges, who quietly take their vacations and do no more than is expected of them, there is never one "clack" or one "yelp." But in the case of the Juvenile Judge, no pack of wolves have kept up a more constant storm of howls from the time he assailed the causes and conditions—the Beasts of Privilege and injustice—that make for misery, poverty and crime. When the Judge did nothing but deal with palliatives and "let them alone" his life was one round of joy and comfort. He had no better boosters then than those who now constantly attack him.

Framed-Up Committees and Hostile Busybodies.

In struggles of this kind in which the Judge of the Juvenile Court has been engaged, it is not difficult to get some paper organization, or one without standing or credit, to secure some notoriety-seeking individual to join in a frame-up of charges like those contained in these circulars. But the court will not be bound by the conclusions of any such an organization, or others more substantial, that are sometimes as easily controlled by its enemies. It will treat with contempt further attacks from such sources. If it did not do so, there would be no time to carry on its work. It is absolutely unreasonable to expect any court to be constantly submitting to groups of hostile "busybodies," whose only purpose in delving into these cases is to injure the court and its judge, or curry favor with its enemies.

A Better Reason for this Pamphlet.

It is only for the reasons already mentioned that we have concluded to answer their charges in this instance. It is also because it affords a splendid opportunity to show up a phase of the court's work not generally known, namely, a wonderful increase in efficiency in the enforcement of laws for the protection of girls.

The Truth About the Sex Cases.

In the year 1895 a law was passed in Colorado, known as "the age of consent law." The age was fixed at eighteen years. No defense was permitted on account of the character of the female. In 1907 the law was revised, making no substantial change in this feature, but adding many complicated details, that instead of relieving the difficulties hereafter pointed out, only added to them. The Judge of the Juvenile Court of Denver has always been one of those who heartily favors the general principles of this law. He has sent rapists to the penitentiary, and would put them all in stripes for life if that could be done, and if it was the best way to secure the protection of females against the varying sins of the sex instinct. But we found it couldn't be done that way—at least, in every case, as the enemy *pretends* to demand. There never was a better illustration of the fact, well known to prosecuting officers, that the very severity of a law

may be its own undoing. In effect in nearly every case under this law where a man was convicted it meant a penitentiary sentence of from three to twenty years. Little or no alternative was offered. Men under twenty-one could be sent to the states prison, known as the reformatory, that so far as its character is concerned doesn't differ materially from the penitentiary itself. There was practically no defense under this law except a denial of the act. It made no difference what the character of the female might be, no matter what the circumstances might be, so of course there were many cases of blackmail.

Difficulties in these Cases.

There were some cases where for many other reasons where the facts were such that the absurdity of sending the offender to the penitentiary was at once apparent to juries, officers and courts. Most of them in our court were between boys and girls where ignorance, neglect of training and culpability often existed in the case of both of them. No two cases were alike. It was customary with some district attorneys to file only such cases where it appeared there was a reasonable chance of a conviction, even though the offense was believed to have occurred. It also grew to be the custom that only those cases considered as "cinch" cases, where the defense was weak or the case of the state was one of violence or exceptionally strong, that they were even tried at all. It was known that even with the best of juries, often deprived of any testimony of the character of the girl, with suspicions concerning her past, there was either a verdict of acquittal or a refusal to agree. As shown in the attached table of cases in the West Side Crinminal Court of Denver, from January 1, 1901, to May 1, 1913, there were filed and disposed of 172 cases of rape, or assault to rape. Only 39 were even tried by a jury. Of the 39 tried for rape and assault to rape, more than half were found not guilty. *Only twenty-two out of 172—less than 13 per cent—received any punishment whatever. The table shows the Juvenile Court record is from 100 per cent to 300 per cent superior in efficiency in these cases.*

The Rule of Reasonable Doubt.

There was the rule of reasonable doubt, which every court had to explain to the jury under the constitution and the law; and if the attorney for the defense could raise a suspicion of blackmail, or urge upon the jury: "What is the use of ruining this young man by states prison sentence for his mistake with a girl that may be of questionable character or reputation; what is the use of ruining this man's home, his wife and his children when there may be a doubt about his guilt?" And even if they were guilty, the same reasons were constantly advanced. I am not saying they were right in this attitude. Generally they were not, though there was much reason for it in some cases. There did seem to be a fundamental error is assuming as this law assumed, and relentlessly insisted, *that the only way to settle all of these troubles was through a penitentiary sentence.*

Editorial from the Denver Times.

For example, in the *Denver Times* of Sunday, September 14, 1913, there is an editorial by Dr. Frank Crane from which we quote the following excerpts:

> "It is hard, it is almost impossible, for advocates of a change in custom or government to get out from under a charge which has worn down to a platitude.
>
> The average man refuses to think, when he can get his thinking ready-made.
>
> For instance, we, who believe that prisons and punishments are wrong, are generally classed with the sentimental perverts who pet criminals, with the woman who carry boquets to murderers, weep over the sad lot of burglars that have been justly laid by the heels, and want to feed them pie.
>
> Allow us, therefore, to clearly state our point of view.
>
> We are not opposed to the present prison system because of pity for jailbirds. We are sorry for them, as any human being is sorry to witness suffering, but if their punishment were good for them or for society at large we would gladly applaud their stripes.

But our position is this: That the facts in the case prove beyond any reasonable doubt that the theory of punishment is both impotent for good and fruitful of evil.

Why do we punish a thief or robber, for example? For three reasons only.

First—To protect the community against him. We incarcerate him, shave his head, put him at hard labor, isolate him, or even hang him, so that innocent citizens may be safe from his pernicious activities.

Second—We punish him to 'teach him a lesson,' to change him and make him an honest man.

Third—It is also to give an example to other evil-doers and by fear to dissuade them from crime.

All very well. The only trouble is, that sending a man to the penitentiary does not result in any of these benefits.

As a rule, which any intelligent prison keeper will verify, the convict who has served time comes back to society a worse criminal than when he went to prison. From being an ordinary man, who committed a crime by impulse, he has become a member of the hardened criminal class and is a greater menace to the commonwealth than ever.

As a rule, instead of prison changing him to an honest man, it makes him a more vicious man. It destroys the little good character he had.

And, as a rule, instead of his punishment deterring others it psychologically develops more criminals.

Why, therefore, keep up a system that is proved by experience and reason to work precisely contrary to what we expected it to work?

It is a pleasure to note that the more intelligent of the lawyers themselves are with us. At least they cannot be accused of maudlin sentimentality. At a recent meeting of the Amercan Bar association at Montreal, at which session William H. Taft was chosen president, Mr. Moorfield Storey of Massachusetts declared the American penal system a failure.

'Our prisons are manufactories of criminals, and it is time we changed our whole method of dealing with convicts."

The *Denver Times* is said to be owned by Boss Evans, and this leadng editorial cannot be said to be inspired by the Juvenile Court. But much of it is in line with enlightened public sentiment and advanced criminology.

A Lesson in Violence.

The daily papers recently teem with accounts of the terrible murderer—one Spencer. The following excerpts from his published testimony may be of interest:

> "I got my first prison term shortly after running away from school. The prosecutor and Judge wanted me to plead guilty and take a sentence of thirty days, but my lawyer said no. He said fight it out, and I pleaded not guilty. I got ten years. If there ever was any good in me that killed it. I served a full term. I lost two years good time coming to me because I attacked a guard. They strung me up by the arms and starved me; they put me in solitary too. I think it was the solitary that really got me. When I came out I wanted blood—anybody's blood. I wanted to kill people and see it run. They gave me ten dollars when they turned me loose, and eight of that I spent for a gun. I have been killing people more or less ever since."

So much for violence and vengeance *alone*. How much did the state have to do with those killings?

Probation Policy in Other Courts.

A judge of one of the leading Juvenile courts in the country—Judge Curtis D. Wilbur of Los Angeles—stated in the Juvenile Court of Denver only recently, that he knew of one hundred of these sex cases where the defendants were guilty being put on probation in just recent times, and that the result was far more convictions, far less degradation of the unfortunate girl, who formerly was dragged through the mire of publicity only to see the offender go scot free because of the severity of the law. Whereas, under the more enlightened procedure, there was generally some punishment meted out through exposure and conviction; generally some

sort of a jail sentence; and in severe cases where the facts warranted it, as shown by the records of the Juvenile Court of Denver, many more offenders sent to states prison than could have been sent without the new alternative and more enlightened procedure.

Probation and Sex Cases.

To confirm Judge Wilbur, we wrote the Chief Probation Officer of Los Angeles for a sample of their record in sex cases, and the number found guilty and put on probation. Under date of September 27th, 1913, the Chief Probation Officer of Los Angeles, Hugh C. Gibson, writes:

> "This information was handed to me yesterday by District Attorney Fredericks, and his report reads:
>
> "'I have your request for information, or rather the request through you of the Honorable Ben B. Lindsey, for information "as to the number of sex cases that have been put on probation in Los Angeles in the last four or five years."
>
> "'I have gone back to October 1st, 1911, and find as follows:
>
> "'In the Juvenile Court, out of 345 cases, 149 were put on probation.'"

From the tables in this pamphlet, then, it will be seen that out of 126 sex cases filed in Denver's Juvenile Court in four years and four months, only a little over twenty-five per cent were given probation and practically all of those made to serve some jail sentence. In Los Angeles, in less than two years—from October 1, 1911, to September, 1913—nearly one-half of all the sex cases filed were placed on probation.

The Success of Probation.

Judge Wilbur told us that out of a thousand general cases put on probation in Los Angeles, a recent report had shown that nine hundred and seventy of them had been largely redeemed to society after having been made to feel the effects of exposure and suffering the mortification of their condemnation. It had not only taught them a lesson, but had furnished in a more

satisfactory manner the protection to which the community is entitled, that should be the first consideration in the disposition of all these cases.

If the jury knows that in certain of these cases there is some alternative besides sending a man or boy to the penitentiary they are much more likely to convict, and the Judge, in the end, much more able to send men to the penitentiary who ought to be sent there, that under the old system went scot free.

A business organization of Chicago reported that before the Juvenile Court came there seventy-five out of every hundred boys brought to jail returned to jail within five years.

Failure of Penitentiary as Only Remedy.

Ex-Governor, and now U. S. Senator Shafroth has furnished us with a signed letter in which he says that seventy-five out of every hundred men in our penitentiary had been there before. It is approved by our excellent warden of the State penitentiary, Tom Tynan. Thus we have the positive evidence that the effect of such procedure in most cases was to make a worse offender, and society a worse victim.

Juvenile Court Sentences to Penitentiary.

Notwithstanding this fact the Juvenile Court of Denver, and its Judge, believes in severe sentences for certain types of rapists and violators of children, and we have given them sentences of from ten years to life imprisonment. But having observed these facts, with great difficulty, much misunderstanding and misrepresentation, but seeking always to do the best thing for the protection, especially of girl children, we have endeavored faithfully to bring about a better system. We are not pretending that all has yet been done that we expect to do, and are trying to do, to bring about this system. But we are struggling to that end. We invoke the authority in proper cases of suspending sentence and submitting the accused to some sort of probation in certain cases that will be described. We sought for years to get probation laws and probation officers for adults to help in this work.

Their Hate Hurt Women and Children.

We were fought at every turn by the powers of privilege and by the Boss Evans-Whitehead-Bates element. It was not so much that they opposed some of these laws, but from sheer hate and habit of fighting those who proposed them, they killed them whenever they could. They cared nothing for unfortunate women or girls so long as they could thwart any purpose of the objects of their hatred.

Interference of Opposition With Good Work.

They succeeded only recently in having the governor of the state veto an up-to-date probation law, providing for paid probation officers. That law meant the saving of many girls. It assured an especial protection of mothers of girls from deserting husbands, and the collection from indifferent fathers of thousands of dollars for the support of neglected children. This work has been done with great success in other states, but just as it was on the verge of being established here by the Juvenile Court and its friends it was stricken down by the influences back of the Evans-Whitehead-Bates crowd. But notwithstanding the constant opposition, handicaps and difficulties through which we have had to go to get established the constructive work for the real protection of girls, a great deal has been accomplished through the people of Denver, who have helped and backed the Juvenile Court, and in spite of Whitehead and Bates we succeeded in getting jurisdiction to try many such cases in the Juvenile Court. This jurisdiction was secured against the bitter opposition of Boss Evans' henchmen only six years ago (July, 1907).

Cases Mostly Boys and Young Men.

During the four years that cover the great majority of such cases that have thus come to the Juvenile Court there were 126 cases of rape, or assault to rape, filed in the court. The great majority of them are against boys or young men under twenty-one years of age. There is appended a table of these cases. Because of the innocence of many of those involved, because of the happy homes that have come from probation work with

many of them that would be a crime to publicly involve, no effort is made, as in the Woman's Protective League circulars, to recklessly divulge names.

Wrong Impressions Created by Use of the Term "Rape."

To have any kind of just appreciation of these cases it must be borne in mind that the old term "rape," as a definition, has undergone many changes. This term as formerly used in the statutes referred to a case where a male person, with force or violence, had improper relations with a female. This old or conventional idea of rape that brought to mind some scoundrel who waylaid and ravished some innocent girl, has never applied so far as any of us can recall to a single one of the cases we have had in the Juvenile Court. In a word, according to this old idea and definition, we haven't had any cases of "rape" in the Juvenile Court.* Denver has been singularly free from such monsters and such cases; and there isn't more than one case in thirty where the boy or man can be said to have used any violent tactics.

Colorado Ahead of Other States.

In many states these cases are not statutory crimes at all if the female consenting is over thirteen years of age, or is of previous unchaste or immoral character. In some states where, with force and violence and against her consent, such a female is raped and the offender is hung or shot, it is no crime at all under the law, if it was with a white man and she consented to it, or in other states, if consenting, she was of previous unchaste or immoral character.

The Term "Rape" as Used in Colorado.

But this offense in a few suffrage states like Colorado has undergone a complete change. It is a crime for the male person to have, or attempt to have, such relations with any female of whatever age, if she could establish the claim that she did not understand the nature of the act, or if she was under eighteen years of age, no matter whether she consented

*Only recently two such cases have been filed in the Juvenile Court. It is needless to say if found guilty they will get the severest kind of sentences.

to it, solicited it, by her conduct invited it, or with any motive of blackmail contributed to it. It 1907 a pretense was made to add a second and third degree of rape, but it did not, in actual experience under the law, change the condition in one case out of a hundred. Upon conviction in the court, by the testimony of any such female, in nearly every case the male at once faces a penientiary sentence of from three to twenty years.

Penalties in Sex and Sin.

We, of course, favored the purpose of the law. But the change in the attitude of society towards sex and sin caused the courts to face an amazing condition in a city like Denver; and let it be understood that under a similar law the same conditions we describe would be met in most any other city. Any sort of intelligent comprehension of these cases then discloses that there is as wide a range of difference in particular cases, all subject to the same penalty, as there is between petty larceny and murder, between petty lying and assassination. Our deputy district attorney says the difference is even greater. Now, imagine a state that would provide the same law and penalty for the punishment of petty stealing or petty lying that it would provide for assassination or murder. As pointed out in this pamphlet, it was the great work of the Juvenile Court of Denver to relieve it of these absurdities and difficulties and to make it a vital, effective piece of legislation. This was to prevent it becoming a dead letter because of its very severity and inelasticity.

Great Improvement Under New System.

Through the elastic provisions of probation, suspended sentences, right to secure confidences and confessions we secured more convictions than before, sent more men to prison and avoided publicity and the train of degradations that follow for those unfortunate girls, as well as many other woes and miseries attendant upon the old methods of administration.

The Assistant Judge and Clerk of the court, Mrs. Ida L. Gregory, a mother and a good woman, has sat with the Judge in these cases for ten years. Now let us just describe two such cases out of a number of the same character.

Typical Cases in Sex and Sin.

Here is a young white girl, sixteen years of age; she is strongly suspected of going wrong with young men in the neighborhood; the girl denies it; the mother bitterly denounces it; neither the woman probation officer nor the police officers have been able to get positive evidence. The mother of that girl is fiually asked if Mrs. Gregory and the Judge could talk to the girl alone. The mother readily consents. Knowing these cases and these girls as we do, and using that kind of sympathy, mixed with firm condemnation of sin, that girl has told us that she has gone wrong with several young men. But she would not tell us this until as a last resort we are compelled to tell her that she may tell us in confidence. This is because we have found in dealing with these girls and this problem it is better to know the truth under these conditions than not to know it at all. The names or whereabouts of some of these young men she doesn't even know. They are generally boys from fifteen to twenty years of age; she confides that she knows the names and whereabouts of two of them; but she will commit suicide or do some other horrible act if her mother knows these facts; or if she is compelled to go through the grilling publicity of a public trial; she is certain that the men will deny it.

How Some Cases Must Be Handled.

Then, as a last resort, rather than to lose all hold over these young men, we promise her that there isn't one chance in ten of there being a public trial, for there is a probation law under which we hope to get these young men to plead guilty to the charge and be sentenced to a short term in jail and to probation for two years, and if in that time they are guilty of any improper conduct with any other girl we can then, on the strength of the control we have thus secured over them (that we couldn't likely get in any other way) send them to jail or states prison without involving her at all. This can all be done without adding to her degradation, mortification or disgrace; without visiting upon her the awful sufferings that come to some of these unfortunate girls. Now, how is this

done? We send the police officer, Mr. Phillips, who was appointed and detailed by the mayor and fire and police board to do this work, to arrest the man (who is generally a youth). Of course he has the right under the law to give a bond to be released for trial, but generally he spends several days in jail and gets a terrific shock and powerful lesson whether he is eventually tried and acquitted by the jury or found guilty and put on probation. In most cases he comes indignantly to court with his lawyer to deny the whole thing.

Extraordinary Protection for Girls.

This court is a chancery court to protect the girls and claiming extraordinary rights under this power we have gone further than courts generally go or have any right to go in such cases. We know that we cannot afford to violate the confidence of the girl by dragging that case through a public trial that may only on the word of one against the other, and the reasonable doubt theory, the case will be dismissed or a jury will either refuse to agree or will find a verdict of not guilty. So the deputy district attorney, who has co-operated in these cases, or the probation officer with his consent, suggests that if a plea of guilty is entered, suspended sentence or probation may be applied, with perhaps a short jail term. Whereas there is at least some chance of a jury conviction if there is a trial, in which case the court is almost certain to send the accused to states prison. A confession generally follows.

Something Done as Against Nothing Done.

The only compunction of conscience we have ever had about this sort of work to protect these girls, by doing *something,* where heretofore *nothing* was done, has been the fact that we have gone far beyond the ordinary province or duty of the judge, district attorney or officers and become partisans and representatives of the female. The result is that in nearly every such case when we get a confession a jail sentence and probation is applied. And recently the juries are discovering that probation may be applied in proper cases and they are becoming more willing to convict in doubtful cases. Many of these young men have reported to the Judge personally. They have received the

severest kind of condemnation for their sin, and the strongest kind of appeals to lead a moral and decent life.

Great Good Accomplished.

And the stories of some of these young men and what they have done to protect other girls and comply with the desires of the court and their parents furnish one of the most glorious chapters in the history of the constructive and administrative work of this court. Of course we are handicapped—we have no paid probation officers for adult cases; and let it be understood that under the law these cases are listed and are necessarily known as adult cases. The only paid probation officers we have are for children's cases, and since we haven't half enough officers in Denver for that work, we have volunteered extra hours and devoted much time and labor that is not demanded of us by law. But we do so gladly just because of our interest in these unfortunate girls.

Other Typical Girl Cases.

Take another typical case from our notes. This girl, 17 years of age, complains against a young man of 20, or, to be exact, the girl did not complain, but having been discovered by her mother to be in a delicate condition, the mother forces her to tell. The girl tells us that in her distress she charged her condition to a certain young man of 20. He has been arrested and put in jail under a $1,500 bond. This bond he must give before he can be released until the case is tried; his attorney has asked that the bond be reduced to $1,000—a sum that he can give. The youth, of course, denies his guilt and has demanded a jury trial. We are hearing the case on the application to reduce that bond. It is explained that the young man is a college boy; comes from an excellent family; has a good reputation; was never in trouble before—all of which is proved and admitted. The girl at this preliminary hearing denies vigorously that she ever did wrong before.

Confidences of Girls.

By the consent of her mother, Mrs. Gregory and the Judge are permitted to talk to her in private. As a result, we secured

her confidence only on the condition that her parents would not be informed of the truth, and that no public trial will be had in other cases that might only condemn her as a perjurer or a bad girl. She frankly confesses that she has gone wrong with a number of young men. She says very frankly that she did it willingly in every case. With another one of these young men she has had improper relations upon a number of occasions. Now this fact is no defense if that young man accused is guilty. The girl had to put her trouble upon some one and she put it upon the one that under the circumstances promises the best hope of conviction and responsibility for the child that might come into the world. This case would never have been disclosed at all if it hadn't been that as a result of these promiscuous relations the girl was about to become a mother—a circumstance that became apparent to her own mother.

An Administrative Work.

Now here is a big case of administrative work; we want to save that child that is coming into the world, and we want to save the unfortunate mother of that child; and we want to do justice to all those concerned. We have no means of getting the other young men, who are equally responsible in the sight of the law, unless this girl is willing to disclose their names and stand for their prosecution. But she has told her mother that she was a good girl with the exception of this *one* "mistake." She has sworn to that at a preliminary hearing. If the court wanted to do no more than courts are in the habit of doing, namely: merely try that one young man and see him go scot free, as he would in most such cases, it would be a very easy matter for the court and would provoke no criticism from any source.

Court Exceeds Expectations—Does More than Expected of It.

But this court has been in the habit of giving more to the people than was to be expected—doing more than it was required to do. This has become a crime in the estimation of its enemies. It is the "crime" for which it must be recalled and destroyed; but it is a "crime" in which it takes particular pride, and the people of Denver take a particular pride, because of

the great good that has been done and can be done in these difficult cases of sex and sin. We go to the bottom of the matter. We find a way to face all the difficulties and bring all concerned before the bar of justice; to teach all a lesson and save the girl and her baby in most cases. But it is an administrative work—a delicate and difficult one, frequently misunderstood and misrepresented, and with many people, of course, a very thankless task.

Avoiding Publicity to Save Girl.

In nineteen cases out of twenty a case like that is handled without publicity in this court; whereas, under the old criminal court system it was forced to a brutal court proceedings that generally meant acquittal for the man and degradation for the girl (though the chances are under the old system it would never have been filed or tried at all and absolutely nothing done). Many conferences are held with the mother of the girl, the parents of the young man, lectures, talks, pleadings, condemnations and appeals are made; instead of the court adjourning at twelve o'clock, as other courts do, the Judge is sitting in chambers until one o'clock. Instead of adjourning at four or five o'clock, as other courts do, the Judge is staying in chambers until six and seven o'clock, day after day, during most of which time some such administrative work is going on and, as we know, wonderful good being done; whereas, before in most such cases "nothing was done."

Penalties and Probation.

We have in mind two young men sent to the reformatory for these offenses. We know that both of them went back to states prison. Isn't it strange that this fact has not convinced some people that states prison isn't the only remedy for the protection of girls. We also have in mind nineteen out of twenty men—mostly youths—who have been brought to this court by the methods described, when they couldn't have been brought here and convicted by any other method, and all of whom, we are confident, have a more wholesome respect for womanhood than ever. They learned a severe lesson. They escaped soiling their souls with the degrading crime of perjury,

and they did not leave the court, as many of them have left it after dismissal in the criminal courts or jury trials, feeling that to commit such a sin was a joke. For, as shown in the statement, in twelve years in the criminal court, out of 172 cases for rape and assault to rape only 38 were ever tried to a jury at all and more than half of those tried were acquitted by the jury.

A Woman Sits With Judge.

The Judge of this court hasn't sat in these cases for ten years past without the presence of a woman as assistant judge to listen, observe and advise. This was a condition, we understand, that existed in no other court in this country until very recently something of the kind was done in the city of Chicago. Some very interesting experiences and other facts in these conferences have been freely given us by these girls. For example, we often ask the girl in such conference: "How many other girls do you know in the city who are making the same mistake you have made?"

Psychology of the Case.

Now, understand, here is what we call the "psychology of the case." This means that we come into sympathetic touch with the unfortunate girl and she tells us facts she wouldn't tell her own mother in most cases. She is put at ease if she knows that the court is here to throw its sheltering protection about her and her life as far as possible. She is frank and free to tell the truth as she would not be under any other conditions, and as she certainly wouldn't in an ordinary court proceeding. She is told that no information she gives us will be disclosed or used that will involve her in further trouble or degradation unless it is done with her consent, or unless we secure facts through other sources. Now, in most cases, we invariably get the following answers to the questions propounded:

Answers by Girls.

"Oh, I know two or three girls that have made the same mistake I have; I am sure of it;" or "Most every girl I know has done the same thing."

This answer doesn't mean to imply that every girl she knows is a common prostitute. It means that many girls she

knows have voluntarily made the occasional "mistake." Sometimes we ask again, "Do you mind telling us the names of these girls?" Generally they refuse to tell. Their excuse is that it would be tattling, and they don't want to get the girls in trouble. We do not insist upon their telling. But we have often in proper cases induced them to bring their chums to Mrs. Gregory and disclosures have been made that have resulted in much good work, with boys and young men, the only hope of which is through the avoidance of publicity.

The Endless Chain.

Several years ago, just as a matter of curiosity, we started in to get some idea of the number of such cases there might be in a city the size of Denver, since we know the same conditions in Denver existed in nearly every city in so far as the sex problem is concerned. A girl would tell us that she knew five girls that had made the same mistake. She would induce some of these to come to court, just as we get the boys to come to court voluntarily, or our officer would visit them. In nearly every case such disclosures were confirmed. Similar questions to the girls thus reporting, as to how many they knew, led to other disclosures, and on to others, until we found ourselves following an *endless chain.*

Conditions Improved by Girls.

Some of these girls told us the number of boys or men. Over half of them wouldn't tell their names except on the express condition that they were not to be disclosed or prosecuted. They believed that meant their public exposure or disgrace. It meant their conviction of the crime they seemed to fear most—"being found out." Society generally furnished the penalty. Penalties of courts were not necessary, at least so far as the girl was concerned. After a conference many of our officers were of the opinion that through the amazing results of administrative work, that was never undertaken before, it was perfectly possible to bring to court a thousand such cases. We could fill the penitentiary to overflowing if there was any hope of prosecutions or convictions. We could do much more good and bring to light more

such cases if we had the adult probation officers and equipment to handle them.

Thousands of Sex Cases.

I took up this experience with officers and judges in other courts in other cities. In every case they assured me that their own experience, if they should undertake so close an inquiry, would be precisely the same. In New York city an officer told us that if such a law existed there and such a work was done he was confident they could resurrect fifty thousand cases—this assuming, of course, they were able to secure the same sort of confidences and facts and had the time to give to the work, which was a physical impossibility.

Great Problem of Sex and Sin.

These things are mentioned for the benefit of honest people who know nothing of these cases, who haven't the slightest conception of the great problem of sex and sin, especially in the cities of this country. And for the benefit of those vindictive busybodies who know something of the facts, but who, assuming that others do not, are deliberately taking advantage of a court and a work that has dared to boldly face the problem and try to do something. They would make it appear to the world that that something that has all been for the better protection of girls, should provoke the public condemnation instead of its approbation.

Persistent Busybodies.

These busybodies have done nothing for girls or the protection of women. They have sought to complicate the difficulties. They have nagged and carped and barked at those who have tried to do something. By misrepresenting that something done, they have sought to gain a cheap notoriety that only deserves the contempt that is being visited upon them by all right-minded people who understand their animus and vindictive spirit of revenge.

Education and Religion Needed.

It is also disclosed as showing the need for education and religion, and something else besides visiting upon a few the

mere vengeance of society for its own sins. It is also disclosed as showing the hypocrisy of the Pharisees.

Unmorality of Some Girls.

Another important disclosure that faced us was the sheer unmorality of some of these girls. Some women officers call it sheer wantonness. The Judge could have hardly believed it until he faced it in case after case. We have seen, or heard at these hearings, in exceptional instances, of course, girls as young as fourteen to sixteen, matured far beyond their age, boast of their clandestine relations with boys and young men, and tell with the mock pride of a bad boy who relates his escapades to his chums, of how they deliberately set traps for boys or young men. I have had such a girl in the most unmoral way boast of her clandestine relations with twenty-five young men in the course of a few weeks. She didn't even know or care to know their names or identity. Yet that girl seemed in other respects to have many good traits, and today is married to a first-class young fellow, who was fully acquainted with her unmorality and these sex relations. They are and have been for some time living apparently in the happiest of circumstances.

Girls Difficult to Protect.

Another type of girl repeatedly warned against appearing on the streets, or attracting or inviting the attention of men, have been found afterwards deliberately enticing boys and men into the relations that followed between them, and freely and frankly admitting it before us, and in some cases regarding it as an accomplishment.

Yet under this new definition of "rape," before the Juvenile Court's administrative work came to relieve the situation of the difficulty there was no alternative in some such cases, but states prison, and nothing to prevent the rankest kind of blackmail by such females except the well-known fact that most of these cases would be dismissed by district attorneys or juries. *And, of course, that meant that the law absolutely failed in accomplishing anything but injustice, more crimes and a contempt for law.*

Probation in Colorado.

Many of the eastern and supposedly reactionary states have up to date enlightened probation laws for adults as applying to nearly all felonies. Because of the amazing change that has been made in the old offense that was known as "rape" there are no class of offenses that call more loudly in certain cases for the application of probation. It is the most certain method to secure convictions and eventual imprisonment of those that ought to be imprisoned.

But in Colorado we have probation laws for felonies, including that of rape only in cases where the accused is under 21 years of age in the County and Juvenile Courts. There is also probation for adults in a special class of felonies and all misdemeanors. Of course, under the common law, as in the federal courts and other courts, the court has a perfect right to suspend the sentence and continue the case from time to time—a right that even the legislature cannot take away from them without amending the constitution. The District Court and other courts in this state have often resorted to this power; it has been resorted to in the Juvenile Court. The great difficulty is that the court loses jurisdiction of the case after the term, and the Governor vetoed the law passed by the legislature supplying the paid probation officers for adult cases.

How "Woman's Protective League" Fought Women and and Children.

After years of fighting to get relief from these handicaps, that girls and women might be better protected, the Boss Evans-Curtis-Whitehead-Bates influences prevailed upon the governor to veto this law when it was finally secured from the legislature. This was the worst blow ever dealt in Colorado to enlightened and progressive criminal jurisprudence. It put the state far behind eastern states having such a law, and western progressive suffrage states like California. It is a disgraceful condition of affairs that will undoubtedly be corrected by the people themselves.

Force, Vengeance and Punishment, as Mixed With Firmness and Mercy.

The first consideration of the Juvenile Court in handling these cases is the protection of society against the sins of the weak. But it is a big question to know how this can best be done. It has been shown that jails and prisons are not cure-alls. Yet we pay three million dollars per annum to detect and punish men and not one cent for adult probation. It seemed to us that a middle ground at this stage of the development of society was perhaps the best method to bring about this result. It has proved so from an experience of thirteen years. In that thirteen years we have never had jurisdiction of all of these cases. In our administrative work there has been, as it were, a mixture of these remedies.

Over 95% Punished in Jails and Prisons.

For, from the standpoint of punishment, in nearly every case where a verdict of guilty was secured, and where the court had any right under the law to deal out any sort of punishment in any one of these cases, some kind of punishment was imposed—from jail to penitentiary sentences that were actually served in more than 95 per cent of such cases. But in some cases the restraining influence of probation was also applied. It had to be applied in many cases lest, as under the old system of violence alone, absolutely nothing would have been done. For nothing was done in more than two-thirds of the cases thus acted upon under the old system. Let it also be understood that the great majority of these cases in the Juvenile Court were disclosed through the special work of the Juvenile Court officers and involved boys and girls under twenty-one years of age.

Great Increase in Efficiency Over Criminal Court Cases.

While not over 13 per cent of the rape cases filed in the Criminal Court in twelve years were tried, convicted and punished, more than 60 per cent of all the rape cases filed in the Juvenile Court in nearly four years, in which a conviction was possible, were actually convicted.

More than 95 per cent of those convicted in the Juvenile Court received a wholesome lesson in respect for girlhood by

actually serving sentences in the county jail, the states prison at Buena Vista, or the state penitentiary. *There were less than 13 per cent* of the 172 similar cases filed in the Criminal Court that were ever punished at all.

To Redeem Individual in Proper Cases.

In the Juvenile Court in the cases where punishment was mingled with the mercy of probation, there was also something done to redeem the individual and shield the girls, while in the Criminal Court there was nothing done except to deal out the vengeance of the state, and always expose the girl.

Not Criticising Officers Criminal Court.

In saying this we are not criticizing the Criminal Court or its Judges. Those Judges were good men; they simply did what the law required them to do. There was no obligation upon them to do the voluntary administrative work or fight for sane and sensible laws as has been done in the Juvenile Court. There was very little encouragement for them to do it if they heeded the knocks, criticisms, abuse and misrepresentations that come to those who tried to do something more than the state required them to do. The Juvenile Court is under great obligations to the present Judges, Hon. C. C. Butler, Hon. Jas. H. Teller and the other Judges of the District Court, for their sympathy and help to secure the adult probation law and officers urged and described in this pamphlet. These Judges came into office in January, 1913. They will undoubtedly assist and sympathize with the Juvenile Court in its constructive work in these cases.

Co-operation of Hon. John A. Rush, District Attorney.

Mr. Rush has only been district attorney since January 14, 1913. Only two or three sex cases have been filed by him in the Criminal Court and sentences were imposed in each. He has now arranged for a system of co-operative work and the filing of all such cases in the Juvenile Court.

Offenders Against Girls—The Law on the Subject.

In the Criminal Courts most of these offenders were men. In the Juvenile Court most of them are boys and young men,

and in nearly every case they are first offenders. *The courts of Colorado have no right under the law to sentence a person under twenty-one years of age to the penitentiary if he is a first offender, unless the offense is a capital one or he is sentenced to imprisonment for life.* The sentences then in the Juvenile Court in most cases are necessarily to the state reformatory.

Under the law they are what are known as "indeterminate;" that is, the court cannot fix the time. The present board, consisting of two men and one of our most prominent and worthy women, may keep the offender a few months or a few years. They inform us that the short incarcerations are due to a number of causes over which they have no control—one, for example, being the crowded condition of the institution, and the failure of the legislature to furnish the necessary relief.

The "Leagues" Falsehoods Exposed.

But these Whitehead-Bates circulars, with the usual contemptible misstatement of the facts, have sought to arouse popular prejudice against the Judge of the Juvenile Court, because of the fact that he hasn't sent these boys and young men and all the men brought to court to the penitentiary—as if he had any right to do it in the first place, or if it was always the proper thing to do in every case. They proclaim loudly that he has only sent them to the state reformatory—a state prison—from two to six months. Yet, they know when they make these false statements that the court has nothing to do with the time of their incarceration. That must be fixed by the Board of Prison Managers under our penal system. Jail sentences mean practically solitary confinement and as a matter of fact are more dreaded than reformatory sentences, where the prisoners have much more liberty. Chiefs of Police Armstrong and O'Neal have repeatedly recommended jail sentences as preferable to reformatory sentences in many of these cases.

TABLE "A".

TOTAL CASES INVOLVING STATUTORY RAPE TABLE IN WEST SIDE CRIMINAL COURT OF DENVER FOR TWELVE YEARS AND FOUR MONTHS, ENDING MAY 1ST, 1913.

(Most of these cases are against men. In the Juvenile Court most of them are against boys under 21 years of age. The Criminal Court may send the men to the penitentiary; the Juvenile Court has no right to send boys under 21 to the penitentiary for any felony, first offense.)

Total cases involving the charge of rape..... (As in the Juvenile Court tables, there is also included in this list assault to rape, seduction and incestuous rape)			172
Disposed of as follows:			
b. Nolle prossed (dismissed) by the district attorney		110	
Plea of assault accepted		2	
c. Nolle contendre by the district attorney.		12	
Tried to a jury 38			
With the following disposition:			
Found not guilty by jury or disagreed and dismissed		22	
Plead guilty	10		
Found guilty by jury	16		
After found guilty by jury, released on $700 bond and skipped state (Case No. 18,398, Joe B.)		1	
Found guilty and dismissed by court on motion of district attorney, or no penalty imposed (Oscar G., case No. 17,226; Dennis A., case No. 19,122).....		2	
(Note—These two cases are not given with the the intention of having the reader infer that the action by the court and the district attorney was not entirely proper. It was undoubtedly justified by some new facts or newly discovered evidence.)			
State reformatory and sentence suspended		1	
Total			150
Cases in over 12 years out of 172 in which convictions were had and in which penalties were imposed and served (as follows):			22
Sentenced to County jail for 60 days..... 1			
Sentenced to State Reformatory, indeterminate 8			
Indeterminate sentences between 1 and 6 years in the penitentiary 6			
Indeterminate sentences between 5 and 10 years in the penitentiary 4			
Indeterminate sentences between 10 and 20 years in the penitentiary 3			
Total 22			22
Per cent of convictions in cases filed in 12 years.			12.8%

As shown, in Table B, out of 110 similar cases tried in the Juvenile Court in only four years and four months there were 49 convictions, and in nearly every case the defendant actually served time in jail, the state

*This comparison is not intended to reflect upon the Criminal Court officers. Certainly not upon the excellent men who are judges of that court and who came into office in January, 1913. It is merely to show the difficulties of these cases, the necessity for the constructive work being done by the Juvenile Court and the hypocrisy of the Woman's Protective League, who have never been alarmed at the record of the Criminal Court under former prosecuting district attorneys and former judges.

These records cover a great many years, and have required considerable time in getting up the cases with as much accuracy as possible. The tables may vary in a matter of one to three cases here and there, but they are substantially correct.

reformatory or the penitentiary. A total of 44.6% of convictions in the Juvenile Court in four years as against less than 13% in the Criminal Court in twelve years.

A Few Facts for the Woman's Protective League.

In going over the records of the Criminal Court, there are found many light sentences in rape cases. No doubt there were proper reasons for these sentences, and the comment is not made to criticise the Criminal Court, but to show, again, the hypocrisy of The Woman's Protective League. We submit a few samples that never provoked any hysterical or false circulars:

Docket No. in West Side Criminal Court	Name.....	Charge.....	Disposition in West Side Criminal Court
14279	L. A.,	Rape	Pleads guilty assault; 10 days in county jail.
14323	George D.	Assault to rape	Pleads guilty to assault; jail sentence.
13367	Charles F.	Assault to rape	Trial to court, found not guilty.
13268	George B.	Assault to rape	Pleads guilty to assault; $5 fine.
13180	G. A. D.	Assault to rape	Pleads guilty; 60 days in county jail.
12703	William M.	Assault to rape	Found guilty by jury; discharged by court on motion of district attorney.
12651	Richard H.	Assault to rape	Pleads guilty assault; 30 days in county jail.
11322	J. A. S.	Assault to rape	Pleads guilty to assault; 10 days in county jail.
11276	J. D.	Rape	Trial to court; found not guilty.
11061	A. G. R.	Assault to rape	Pleads guilty to assault; 1 day in county jail.
11025	E. T.	Assault to rape	Pleads guilty to assault; 10 days in county jail.
10171	E. K.	Rape	Found guilty; suspended on condition marry complaining witness.
8767	I. N. T.	Assault to rape	Jury found guilty; sentence 1 day in county jail and released.
19122	D. A.	Rape	Discharged after being found guilty.
17226	O. G.	Rape	Found guilty; no penalty.

Mrs. Capron's Statement.

Verne L. Capron, being sworn on oath, says:

That she was a deputy clerk in the County Court of Denver for about three years, and has been the deputy clerk in the Juvenile Court of Denver for six years; that she is familiar with court records; that she has kept the court records of cases of statutory rape, assault to rape and indecent liberties in the Juvenile Court, and that the tables "B" and "D" in this pamphlet, containing an account of said cases and their disposition is true and correct according to the records personally kept by her.

*She further certifies that of 26 probationers under suspended sentence to the State Reformatory, and one under suspended sentence to county jail, all but one had served time in the county jail from arrest to time of trial as follows:

Released on bond at time of arrest	1
In jail from 5 to 10 days	8
In jail from 20 to 30 days	11
In jail 42 days	1
In jail 43 days	1
In jail 44 days	1
In jail 53 days	1
In jail 68 days	1
In jail 1 to 5 days	2
Total	27

VERNE L. CAPRON.

Subscribed and sworn to before me this seventh day of October, 1913.

IDA L. GREGORY,
Clerk Juvenile Court, a Court of Record.

J. S. Phillips, being duly sworn on oath, says:

That he is a special officer appointed by the Fire and Police Board and detailed to special work in cases of crime against children; that he is personally familiar with most of the statutory or sex cases that have been filed in the Juvenile Court, and

*In ordinary cases of probation in most courts in such cases no jail sentence whatever is served. Under the old system nearly all such cases were nolled or dismissed and nothing done. Under similar work in Los Angeles in the last two years 148 were put on probation, as against 27 in four years, in Denver. The probationers are mostly first offenders among young men and boys.

many of those filed in the West Side Criminal Court; that during the month of August, 1913, with the assistance of George McLachlan, Clerk of the West Side Criminal Court, he went over the records of all of the cases involving the charge of rape and indecent liberties that were filed and disposed of in said Criminal Court from January 1, 1901, to May 1, 1913; that in September, 1913, he again went over all of said cases in company with Hon. Ben B. Lindsey, Judge of the Juvenile Court of Denver; that Mr. McLachlan, Clerk of the Criminal Court, and the said Hon. Ben B. Lindsey, in his presence, personally inspected and checked up all of said cases in the West Side Criminal Court, tabulated and set forth in Tables "A" and "C" in this pamphlet. Because of some uncertainties in the records there may be a variation of two or three cases in the entire number, but otherwise the said tables as set forth are true and accurate according to the official records from which they are taken. It is customary to credit probationers with time served in jail without it appearing in court records against them. So that practically all of the probationers have served some time in jail.

This list does not include three or four cases committed after January 1st, 1901, in cases filed before that time.

J. S. PHILLIPS,
Special Police Officer and Investigator in the Juvenile Court in Statutory Cases.

Subscribed and sworn to before me this 8th day of October, A. D. 1913.

GEORGE MCLACHLAN,
Deputy Clerk District Court, and Clerk Criminal Division District Court, known as West Side Criminal Court.

I hereby certify that I checked up with Mr. George McLachlan, Clerk of the West Side Criminal Court, the sex cases filed and disposed of in that court between the 1st of January, 1901, and the 1st of May, 1913. These cases consist of 172, involving the charge of rape, and 21 involving the charge of indecent liberties. I personally inspected the records in each one of these cases and the disposition thereof. Because of un-

certainties in the record as to possibly two or three cases—but not to exceed that number—there may be a variance of two or three cases as to disposition. But as to the balance of nearly 200 cases thus personally inspected, the tables "A" and "C" are true and correct.

BEN B. LINDSEY.

TABLE "B".

CASES INVOLVING CHARGE OF RAPE, FILED IN THE JUVENILE COURT OF DENVER, FOR FOUR YEARS AND FOUR MONTHS, ENDING MAY 1ST, 1913.

(Most of these case involve boys and young men under 21 years of age, and girls between sixteen and eighteen. The Juvenile Court has no right to send a youth under 21 to the penitentiary, if it is his first offense—the only sentence allowed under the circumstances is jail or reformatory.)

a. Total number of cases actually filed		126
Charge of rape withdrawn by district attorney and charge of assault and battery substituted	6	
Not tried and still pending on docket May 1, 1913	10	
Total number of rape cases tried in Juvenile Court in four years and four months		110
Results of trials of said cases:		
Fugitives from justice at time case filed	3	
Fugitives after arrest and bond forfeited .....g....	3	
Found not guilty by jury	12	
Found not guilty by court	1	
Dismissed by prosecuting officer by agreement between parties interested, for such causes as lack of evidence to convict, on payment of support for prosecuting witness, or where prosecuting witness and defendant got married	6	
b. "Nolle prossed" by the district attorney	31	
c. "Nolle contendre," by district attorney	3	
Transferred to adjoining county where offense was committed, Juvenile Court having no jurisdiction	2	
Total out of 110 cases in which the Juvenile Judge had no right to impose any punishment		61
Remaining cases in which the Juvenile Judge had a right to impose sentence and penalty		49
		110
With the following results:		
Convicted by a jury	8	
Convictions secured by court officers mostly through the kind of work described in securing confessions, rather than submitting to old-time dismissals by district attorney and juries	41	
	49	

a. These tables do not necessarily mean that there were the same number of actual defendants at law. There are sometimes duplication of charges. An allowance of ten to twelve per cent should be allowed for this. Take the case of George N., who is one of Whitehead's Humane officers. He was prosecuted in the Juvenile Court for frightful indecencies against little girls, and in the

Dealt with as follows:

Served time in the county jail (in the great majority of cases from thirty to sixty days, upon suspended sentence to Buena Vista prison and probation for at least two years	27	
Committed to jail on sentence served	3	
Committed to state reformatory (indeterminate sentence—a time not allowed by law to be fixed by the court)	10	
Committed to state reformatory and sentence suspended, conditionally, with jail time served	5	
Committed to state penitentiary	4	
Total convictions		49
Total per cent of convictions in Juvenile Court	44.6	
Total per cent of convictions in Criminal Court	12.8	
Increase in convictions in four years of Juvenile Court over twelve years in Criminal Court, over	300%	
Allowing for two or three boys who did not serve any substantial time in jail, the total per cent of those whom the Judge could punish, and did punish by jail, reformatory or penitentiary sentence was over	95%	

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opinion of the judge anl all the officers was unquestionably guilty. On the reasonable doubt theory, the jury acquitted him. Yet there are four cases filed against this one officer of Whitehead's society. But the Woman's Protective League takes the cases just as they are found upon the docket, and in making comparisons with the two courts we are following the same procedure.

b. "Nolle prossed" means that the district attorney, after investigation, was of the opinion that there wasn't sufficient evidence to warrant the state to go to the expense of a trial; or that there was blackmail or other motive not justifying the state in trying the case.

The Supreme Court has held that this is the exclusive right of the district attorney. If the court sought to interfere it would only disqualify itself in trying the case. The court must assume that the district attorney is using his best judgment in the interest of justice—as he has in most of these cases; **but the Juvenile Court proposed and helped secure the passage of the law recently taking effect,** that now requires the district attorney to file a written statement of his reasons for dismissing such cases, with the right of the court to object to the dismissal.

c. "Nolle contendre" is practically the same as the dismissal of the defend- The defendant denies his guilt, but says he will no longer contend with the state. In such cases a mere technical verdict is entered that requires him to pay the costs. It is never customary to impose any punishment in such a case.

d. It has been the custom in the Juvenile Court to give a defendant who happens to be poor and unable to give a bail bond, credit on his punishment for the time he thus serves in jail. It is for this reason that sometimes these jail sentences do not appear in the court minutes, but the facts and records at the jail will show that they serve varying periods in jail.

TABLE "C".

INDECENT LIBERTY CASES IN WEST SIDE CRIMINAL COURT FOR TWELVE YEARS AND FOUR MONTHS, FROM JANUARY 1, 1901, UP TO AND INCLUDING MAY 1, 1913.

*Cases of indecent liberties (mostly with girls)		21
Disposed of as follows:		
Indecent liberties cases nolle prossed (dismissed by district attorney)	11	
Nolle contendre by district attorney	1	
Concurrent trial and sentence in same case	2	
(These cases went together against same man, who is listed as one of the four convicted)		
Jury refused to convict and case dismissed	3	
		17
Jury found guilty	2	
Plead guilty	2	
Total convictions		4
Sentenced to penitentiary 1 to 1½ years	1	
Sentenced to penitentiary 2 to 3 years	1	
Sentenced to penitentiary 5 to 8 years	1	
Sentenced to penitentiary 9 to 10 years	1	
		4

Two out of the four convictions of indecent liberties were secured by the special officer of the Juvenile Court.

We then have the following interesting comparisons as to indecent liberties cases: In twelve years and four months of the Criminal Court only 21 cases were ever even filed.

In four years and four months of the Juvenile Court 32 such cases were filed.

In the Criminal Court only 4 out of 21 such cases were convicted in over twelve years.

In the Juvenile Court 11 out of 32, or nearly three times as many, were convicted in a little over four years.

Per cent of convictions in Criminal Court in twelve years and four months	19%
Per cent of convictions in Juvenile Court in four years and four months	34.4%
Increase by Juvenile Court over Criminal Court in per cent of convictions as compared to cases filed and tried	72%
No attempt is made to take advantage of the fact the Juvenile Court has only had jurisdiction of these cases about five years and its record for only four years is shown here, but if it continued in the same proportion for twelve years to be matched with the Criminal Court it would show an efficiency increase of detections, convictions and punishments in twelve years of over	200%

*Several cases of crime against nature not included.

TABLE "D"

INDECENT LIBERTY CASES FILED IN THE JUVENILE COURT DURING FOUR YEARS AND FOUR MONTHS UNTIL MAY 1, 1913.

Total number of cases		36
Charge withdrawn by district attorney, and "contributing to delinquency" substituted	3	
Charge withdrawn and "assault and battery" substituted	1	
		4
Total cases disposed of		32
Nolle prossed (dismissed by district attorney)	12	
Tried to jury and found not guilty	5	
Tried to court and found not guilty	2	
Defendant fugitive and never arrested	1	
Pending on second trial, first jury having disagreed	1	
Total cases dismissed and found not guilty, or where court had no right to impose any sentence or punishment	21	
Total cases pleading guilty or found guilty by jury in which court had any right to impose sentence and punishment	11	
Sentenced to penitentiary (as shown in statement, see page 60) by indeterminate sentences, in one case involving a little girl (a) of not less than nine nor more than ten years, and in others that would have kept some of these defendant for life in the discretion of the board, under the indeterminate sentence act	5	
State Reformatory, indeterminate	2	
(b) Sentenced to penitentiary, sentence suspended after accused served time in jail, and upon conditions imposed by the court, concurred in by district attorney	1	
Sentence suspended after serving time in county jail	3	
Total	11	
Total per cent convictions Criminal Court	19%	
Total per cent convictions Juvenile Court	34.4%	
Increase over Criminal Court in per cent of convictions in Juvenile Court as compared by cases actually filed and tried	72%	
Total punishments of all cases where the Juvenile Court could punish in such cases, through jail, reformatory and penitentiary sentences	100%	

Does anyone believe that 150 out of 172 cases involving the charge of rape in the West Side Criminal Court of Denver during twelve years and four months were entitled to be dismissed?

(a) He was given not less than nine nor more than ten years in the penitentiary. Dr. Bates very calmly printed the lie that one of these men was taken before Judge Shattuck of the Criminal Court, after the judge of the Juvenile Court discharged him and by Judge Shattuck sentenced to the penitentiary.

(b) In one of these cases there was a brief penitentiary sentence after sixty days spent in jail, on the suggestion of the district attorney, because the little girl changed her statement after conviction, and there was other testimony that would almost have compelled the granting of a new trial had not defendant's counsel agreed to the sentence in lieu of a new trial. This is a case that is made a great deal of in the circulars of the Woman's Protective League in the absence of any knowledge on their part of these facts that compelled this action of the court and the prosecuting officers.

What Do These Records Signify?

Does anyone believe that even the majority of those accused were entitled to dismissal? If they were, then it is an amazing indictment against the girlhood and womanhood involved. Were they guilty of perjury or blackmail?

The difficulty was, as repeatedly pointed out by the Juvenile Court—the severity and inelasticity of the law and the system devised for girlhood protection. In most cases it is thus proved as almost worse than no protection at all. With the constructive work that the Juvenile Court has gradually builded, making the sentences and discretion of the court more elastic, there has gradually arisen a wonderful increase in efficiency. It shows, in cases, several hundred per cent as to detections, convictions and punishments.

Benefit of a Constructive Policy.

When the Juvenile Court concludes the balance of its constructive policy by securing paid adult probation officers and one court with exclusive jurisdiction to try all of these cases, and one set of officers who can be held to strict accountability, with the right of the district attorney to dismiss such cases only by filing written reasons and getting the court's consent under the law recently proposed by the Juvenile Court, there is not any question that this efficiency will continue to rise higher and higher. The time should come when 95 per cent of these cases filed against will be almost certain of conviction and *something done.* Whereas, under this amazing record of the West Side Criminal Court of Denver, less than 13 per cent of all the cases alleged to be "rapists" in twelve years and four months in that court received any sentence to prison, and, so far as we are advised, any punishment whatever by the state.

Wonderful Comparisons of Sex Cases Favorable to Work of Juvenile Court Over Criminal Court.

To sum up then, as compared to the Criminal Court records, as shown by these tables, out of 110 cases involving the charge of rape in four years, the Juvenile Court, through the aid of its officers, the special police officer, Mr. Phillips, and the district attorney, secured nearly 45 per cent of convictions, as against

13 per cent of convictions of similar cases in twelve years of the Criminal Court. This is an increase of over 300 per cent in efficiency in just four years. It will also be seen from the appended tables of undisputed facts that 61 out of 110 cases covering the four years referred to in the circulars issued by The Woman's Protective League, were dismissed or disposed of under conditions for which no right minded person can possibly criticise the Juvenile Court.

Juvenile Court Sent Over 95% of Those Convicted to Jail or Prison.

That left only 49 out of 110 rape cases in four years and four months in which the Judge could take any action at all, and out of this 49 cases, with possibly one or two proper exceptions, all of them actually did time in jail, the state prison—Buena Vista Reformatory—or the penitentiary at Canon City.

Yet there is the infamous lie with all of its brazen recklessness set forth in these anonymous circulars, that 68 out of 84 of these cases in the Juvenile Court went scot free by the Judge's action without any punishment at all. Let also this important fact be borne in mind: *out of nearly all of those cases that were dismissed, through no fault of the Juvenile Court, with very few exceptions, every one of them served time in jail.* It is hard to understand how any one interested in the protection of girls could ask for a more satisfactory record, especially by comparison with the records under the old system, and in face of the handicaps and difficulties pointed out. They are readily recognized by every honest, unprejudiced official or person who has ever really come in contact with the trial and disposition of these cases.

Indecent Liberty Cases.

Another class of difficult sex cases are the indecent liberties cases. These also furnish the subject of similar amazing and reckless missstatements, half-truths—always worse than deliberate lies—and unblushing falsehoods in the circulars of The Woman's Protective League. Comparative tables are here made between the handling and disposition of these cases and the old system in the West Side Criminal Court, and under the work of the Juvenile Court.

Unsatisfactory Results With Juries.

It is provoking to relate that juries of business men, husbands and fathers of children, called upon to try these cases often found a verdict of not guilty, and that most of them through such verdicts or dismissals, or for lack of sufficient evidence to convict, were discharged as they had been in the Criminal Court; *but the comparisons between the old methods in the Criminal Court and those in the Juvenile Court are all in favor of the Juvenile Court.*

It appears from these records that have been secured through the courtesy and assistance of the clerk's office of the West Side Criminal Court, by an officer most familiar with these cases, that out of a grand total of only twenty-one cases of indecent liberties, involving children, mostly girls, that were disclosed in Denver in twelve years and prosecuted in the West Side Criminal Court, only four were found guilty and punished. But these startling facts never aroused ex-President Curtis of the city railroad company, or the henchmen hiding behind the skirts of the Woman's Protective League.

Increase of Over Two Hundred Per Cent in Efficiency.

These records show that as against twenty such cases in the Criminal Court in twelve years, there were thirty-two in the Juvenile Court in four years, an increase by comparative periods of over 200 per cent. *This was not because there were more cases, but because there was better work being done among the children in finding them out.* A larger per cent have been convicted and punished than formerly. The consolation that our officers have in the lack of convictions by juries in many of these cases or dismissal through conditions over which they had no control, is that most of these men, even though acquitted, but believed by our officers to be guilty, served some time in jail and were put to the expense of a defense.

Disposition of Cases in Which Court Had Any Right or Power to Punish.

It was only in the case of these eleven men thus convicted out of the thirty-two cases brought to court in four years, that the Judge of the Court had any right or power to punish them. *And they were all punished.* Four were sent to the penitentiary,

two to Buena Vista prison, the other five served substantial jail sentences. For the longest positive sentence, of not less than nine nor more than ten years in the penitentiary, was that of a man whose indecent liberties were upon a little girl. Yet, in this case, leading Christian citizens and others brought their influence to bear to get him off; and to cap the climax of appeals a signed petition was presented by some of the mothers of the little girls involved, asking for clemency.

Indeterminate Sentences for Life in the Penitentiary Given by Juvenile Court.

In several of the other cases there was entered a plea or proof—not uncommon—that the defendants were more or less irresponsible. But as is the custom with the court, under the indeterminate sentence law of the state, and in line with the most enlightened work in these cases, the matter is left to the prison authorities, their doctors and experts, *and some of these men were given a sentence that enabled the prison authorities to keep them for life.* If the prison authorities concluded they were dangerous, *these men might be kept in the penitentiary from three to forty years.*

Life Imprisonment.

If the Woman's Protective League is of the opinion that that is the way to protect the girls against these particular men, they have only to make their appeal to the board of prison management, and upon a proper showing no doubt the men can be kept incarcerated for life.

This method of statement and comparison of these cases, in view of the utter impossibility to present circumstantial details and the evidence, appearance, manner and demeanor of the witnesses, and many side lights that can only appear during the progress of the hearings and trials, is the only kind of fair statement or presentation that can be justly made under the circumstances.

Outrageous Falsehood and Half Truths About Particular Cases.

But we are asked by friendly inquirers to give the facts about some of the seven or eight cases that the "Woman's Pro-

tective League" has tried to single out as presenting some of the "horrible conditions" that they discovered. It is to be regretted that the physical limitations and expense of pamphlets and printing are such that only a few of these can be gone into. It would take literally volumes to go into all of the evidence, and circumstances of all these cases that have been tried over a long period of years. But the Juvenile Judge tried 98 per cent of them (giving the lie again to their exaggerated statements of his absences). A few are described as excellent illustrations of that kind of irresponsibility and recklessness for which one of the authors of these circulars was publicly convicted by the State Board of Charities and Corrections. It is not done with any idea of convincing them.

Bad Habits of Opposition.

It has been their habit and custom to render verdicts in cases and against men, women and institutions, without knowing the evidence, or investigating in advance, a crime for which some of them were convicted by the eminent men and women on the State Board of Charities and Corrections. Those who care to take the verdicts of such reckless irresponsibles, who admit that they were never present at one of these trials, are welcome to their conclusions. Those who care to take the opinions of those who have betrayed a paranoiacal hate against the Juvenile Court of Denver are welcome to their conclusions. After its thirteen years of work and struggle for the childhood of our city, state and nation, and its approval ten times by the people of Denver, if they believe it is organized to protect rapists and the debauchers of girls, as charged by the mind-diseased "Woman's Protective League," they are welcome to their conclusions. There are a few such people no doubt whose minds are as thoroughly steeped in the venom of hate, jealousy and revenge as these unfortunate creatures who run amuck—not with knives and daggers, but circulars of half-truths and the real facts secreted, that constitute the modern weapons of assassination. Those who are thus taken in by envenomed madness—and there are some in Denver—are to be pitied. They can harm no one but themselves.

Some Samples of Criminality.

After we have shown up a few examples of this madness and added to the verdict of guilty already found against the chief author of these envenomed circulars, we shall feel that no one can reasonably ask us to answer every rumor, half-truth or misrepresentation that the authors of the "Woman's Protective League" and those political soreheads and bitter enemies secretly working with them, see fit to launch against us. They seem abundantly supplied with the cash to do it. They also have such active and wealthy participants as Mr. Rodney Curtis, ex-president of the Denver Tramway Company.

The Case of Tom K.

We have already called attention to their first case of a man, one "Tom K., who raped three girls, and Judge Lindsey did nothing until the third victim, when he sentenced him to four months in the reformatory." As shown, Tom K. was a seventeen year old kid. In the first case the girl swore that he did not rape her, and the District Attorney discharged the charge of rape, but through our administrative work to get hold of this youth, we secured him on a minor offense that did not permit us to send him to states prison. The second case was where we secured a confession from the girl, and under conditions where it was dangerous to have a public trial, lest the boy denying the charge would have been acquitted by the jury. So securing a confession on promise of probation, we imposed a sentence to states prison. It was suspended on condition the youth lead an exemplary life. Months afterwards, on suspicion, a third charge of rape was preferred against him. But the girl swore that the boy did nothing of the kind, and again the District Attorney was compelled to dismiss the case. But through our administrative work in getting him on probation, we now had a "cinch" on that youth. Because he did not inform the officer that two girls who visited him on Curtis street had gone with two of his chums to a Petersburg roadhouse in an adjoining county, where one of them was seduced, the Judge sentenced him to the penitentiary upon an indeterminate sentence of five years on that second case, when under the old criminal court system nothing whatever would have been done. But the district

attorney called attention to the fact that it was his first offense in a felony case and the court had no right to send him to the penitentiary because he was under twenty-one years of age, in which case the statute requires that the Judge send him to the state reformatory, or Buena Vista prison—that is a part of our penitentiary system. The court was therefore compelled to accept the suggestion that it had been too severe under the law, and change the sentence to Buena Vista prison. Here all such youths serve from two to six months in prison. With this the court has absolutely nothing to do. Under the law, as pointed out, the sentences are indeterminate. No time is fixed, and no time can be fixed by the court. The Board of Prison Managers determine that question. The prison is overcrowded and it has been the custom to keep such youths for the periods mentioned. This is one reason why jail sentences are often resorted to in such cases as being more satisfactory. The facts are therefore as shown by the evidence and as will be sworn to by the court, the district attorney and all concerned, that this Tom K. did not rape three girls. *He raped one, and alone on the strength of the administrative work of the court, he was given the limit of the law,* and he actually served the term usually served in such cases, although he was released by the prison board a few weeks before its expiration on the plea of his mother. There are three powerful facts in connection with this case:

First—The jail and reformatory sentences did Tom K. no good. After having experienced these forms of punishment, he was apprehended for other serious crimes and returned to prison again.

New Methods and Old.

Second—This important fact: Tom K.'s chum who took the girl across the county line out of the jurisdiction of the Juvenile Court and was tried in the adjoining county for the statutory offense against that girl. He denied it and was promptly acquitted by the jury. If that case had been tried in the Juvenile Court of Denver, the chances are that he would not have been acquitted and the girl exposed and condemned. We would have convicted him, just as we convicted Tom K. But it would have been through the work that the "Woman's Protective League" (?) is howling against and trying to get the court recalled for.

The Man Higher Up.

A third fact—This case was used as a comparison with what is known as the Farnsworth case, that was tried in the West Side Court and was one of the exceptional cases that were tried there and the defendant punished. Farnsworth would undoubtedly have been punished in the Juvenile Court, but the parties having its prosecution in charge, deliberately carried the case to the West Side Criminal Court. The mother of the girl swore in the Juvenile Court that the prosecuting officers in that court would not listen to her plea that a prominent politician and wealthy man had also committed an offense against the girl, and that she had been in rooming houses and wine rooms. Not one step was taken by Whitehead or his officers to prosecute these rooming house or wineroom keepers, or "the man higher up," until the Juvenile Court Judge had denounced all and sundry in open court for their effort to protect these creatures of vice. The evidence was that the man who was sent to the penitentiary was poor and without friends, but that he had an excellent reputation until he got into trouble with this girl, when an effort was made as frankly confessed in our court to blackmail him. The prominent politician and wealthy business man who went unwhipped of justice, and against whom with all the evidence, public condemnation and demands, the Juvenile Court could secure no complaint, had a bad reputation as to his relations with young women and girls. Now these in brief are the facts about the first case detailed by Dr. Bates and sent all over the East to inflame the minds—not only of the people of Denver but of the entire nation—against the object of her hate. It is the kind of thing that the corrupt privilege interests, that also hate the court, immediately seize upon to send its ex-president of the city railroad company to prominent women in Denver to get them interested in Dr. Bates' "Woman's Protective League"—"for the protection of girl children."

Negro Rapist Lie Nailed.

Take another case: they point out among the "horrible conditions" several cases of rape upon young girls by negroes—"These negroes were discharged by Lindsey." Especial emphasis is laid upon this fact and the circulars have been sent to

members of Congress from the South. Now, here are the facts in the negro cases, and we take them because the opposition took them as being most inclined to carry out their purpose in inflaming the mind of the public against the court to produce the "psychological condition" for his recall:

John Gray, a negro man, appears to have been charged on these minutes of the court records, or jail blotter, with rape on a twelve-year-old girl, and the fact is he was discharged. This girl was in the habit of running away. She had been told if she continued in such conduct, that some bad man would do her some such injury. It was only natural that we should suspect something of the kind. Now, through our administrative work, the Judge has succeeded in getting the truth out of children and bringing to light more cases of this kind within four years than were done, perhaps, in ten years under the old system. But there is always a danger of a mistake. It proved to be so in this case. The little girl told the Judge, in the presence of her mother and the lady assistant judge of our court—Mrs. Gregory—that during one of her runaway spells she had stayed all night with a certain negro man.

Dangers of Imaginative Children.

With great indignation the court ordered the special police officer, Mr. Phillips, to arrest the man. The mother of the child protested and said the little girl was given to ghost stories. But notwithstanding this objection of the mother, we had that colored man arrested on the statutory charge. He was put in jail under heavy bond. The mother objected to our action and tried to leave town with the child. We had them apprehended so that an investigation could be made. We had a lady physician, with the mother's consent, examine the child. The little girl swore in court that she did tell a "ghost story." That the poor old colored man had never molested her in the slightest way. We had detectives investigate the child's and the colored man's whereabouts the night of her runaway. It was disclosed that it was impossible for her to have been with the colored man. It was one of those cases that psychologists like Stanley Hall warn us against—false charges of children against men in sex cases. We have had a number of such cases. The district attorney, of

course, dismissed it, as he ought to have done. The court was so impressed with the injustice done that old colored man that we gave him a personal letter of apology for the time he had spent in jail, when he was absolutely innocent of having ever touched the child. Yet, this is one of the leading cases they selected, and it is just as reckless as the other statements of their circular.

The other horrible outrages in cases of negro rapists "discharged" are subject to just as simple explanations. Such as the fact they were relations between young colored people who got married and were discharged by the district attorney, since through their getting married the case fell by operation of law.

The Gatewood Case.

But one of the awful cases against Judge Lindsey, over which there has been much hysteria and several pamphlets from the "Woman's Protective League," is the "horrible" case "of a man seventy years of age taking indecent liberties with a little girl and giving her a vile disease, and Judge Lindsey sent him to Kansas with his daughter." It is known in the circular as the "Gatewood case." Here are the facts:

The Truth About It.

Judge Lindsey did not try the case at all. It was one of the very few cases tried by Assistant Judge Class—now on the District Court bench. The jury were disposed to acquit the man, but they found him technically guilty, with a recommendation of leniency and mercy. That meant that unless the Judge acted upon it, in some similar case the jury would acquit or refuse to agree, and, as is customary, the Judge followed the recommendation of the jury—made up of business men and fathers of children. The testimony was that the man was old, on the verge of death, and it was very questionable if he was at all responsible for what he did. The district attorney informs us in writing that there was no evidence whatever that he had imparted any disease to the child. The testimony of the expert physicians and others was that he was so enfeebled in body and mind that it was not only questionable if he was responsible for his acts, but that a sentence to the penitentiary would mean a death sentence. The district attorney thereupon recommended

to Judge Class—who tried the case—that the recommendation of the jury be followed and that the sentence be suspended, after the man had been in jail for several months, and that he be paroled to the custody of his daughter, who could give him care and attention on her farm in Kansas. Judge Class writes: "I simply refused to commit judicial murder by committing that demented man to the penitentiary, when the chief object of the prosecution, the protection of society, was, under the circumstances, amply obtained by the action taken. Those having the matter in charge, who are conversant with all the facts and circumstances attending the case, were all of the opinion that the proper thing was done."

The Case of Some Boys.

Another case is that of several young boys who had had improper relations with a sixteen-year-old girl, who was said to be slightly feeble minded. We will not refer to the unmentionable lies and senseless gossip picked up by Dr. Bates and always credited by her in any subject pertaining to sex, such as is detailed in this circular. But it informs us that the Judge let all of those boys go scot free. The statement is a lie. Here are the facts:

The court had been provoked on more than one occasion by a jury acquitting boys who are almost sure to get into trouble with a girl of this kind. The evidence disclosed such a girl was more or less open in her lewdness. Such an unfortunate girl is always a severe temptation to young boys in a neighborhood. We have found that even boys of the best families and who have had the best Christian training have been involved in such a case. The district attorney, the Judge and the officers of the court were impressed with the lack of protection for a girl like this in a former case, where the boys—as usual, denying it—were acquitted by the jury. They were congratulated by their admiring friends in the neighborhood.

Something Done as Against Nothing Done.

The girl was turned out with a charge of perjury on her soul and exposed to ridicule. Rather than have a repetition of such a scene, and such futile results, after much difficulty we

secured a confession from these boys. Although one or two persisted to the end that they hadn't had any actual relations with the girl. This confession as to some of them was only secured on the promise of probation. It was better than to witness a repetition of the scenes described in the farce of a former jury trial. The court gave those boys and their parents a lecture that they will never forget and sentenced every one of them to the county jail, where they had a good substantial experience of jail life and what they were coming to and what they would get in treble doses if they ever acted improperly with a girl again, whether she consented to it or not. There is nothing to be done with a poor girl like that but send her to the state training school where she will be away from temptations and an unmoral disposition to thus attract boys. The district attorney, the parents, the officers and all concerned, who *knew* of the difficulties referred to and the splendid results in that case and the severe and satisfactory lesson taught those boys, heartily approved this disposition of the case.

Incredible Falsehoods.

Another case: The "horrified" public are informed that a man—Earl Hoffman—"who took liberties with a little girl, went scot free and was dismissed in Lindsey's court. He was taken to the West Side on another charge, where he was sent to prison by Judge Shattuck in April, 1912." The story is an infamous lie. The records of the West Side Court will show any investigators that there was no such case before Judge Shattuck. The truth is, as shown by the records of the Juvenile Court, that this man was sent to the penitentiary at Canon City by Judge Lindsey for his indecent conduct towards a little girl. Lies like this are constantly recurring in their circulars.

Another case: (And let it be said that this case now described is typical of a number of such cases.) "Man charged with rape of a sixteen-year-old girl, and discharged by Lindsey on condition that he pay a certain sum of money per month for the care of the child."

A Simple Explanation.

Those who are not present at the trials of these cases know none of the facts and should not jump at the conclusion that this

was an improper thing for the Judge to have done. A trial meant that the girl would be dragged through the mire of publicity, that her character would be assailed, that on the rule of reasonable doubt the chances were that (as shown by the records in the great majority of sex cases in other courts), it would have either been dismissed or the man found not guilty by the jury, or they would have failed to agree. And often, as in this case, at the request of the parent of the girl, our officers have secured a confession from the boy or man on condition that he be placed on probation, or the case continued, or sentence suspended, and that he will acknowledge the paternity of the child and help in its support. There are many cases like this. It is often much wiser to bring about such results than to allow the accused to go scot free, as was done in nearly every such case under the old system. That particular case was a sixteen-year-old boy. He had made his first mistake with that girl. The boy learned a lesson, the girl learned a lesson, and the case was wisely handled from every standpoint.

A Prosecution Impossible.

Another case: The public are told that J. O. raped a sixteen-year-old girl, and was "discharged by Lindsey." Now, this is a typical case of some of our difficulties, and let fathers and mothers understand it. J. O. worked in the offices of a railroad company in Denver. He was a youth of eighteen, and at night worked in a picture show. The mother of this girl found out she had gone wrong; the girl stated it was this young man. The young man was arrested and brought before the Judge. He brought the finest kind of character recommendations. He denied positively any improper relations with the girl. She was known to us as one of the "giddy," careless girls who hang around the picture shows, flirting with boys. The mother of the girl threatened to commit suicide if the case was brought to trial. She said it would ruin her, and ruin her daughter. We knew the uncertainty of a trial or conviction. And we knew if the jury did convict, it would be absurd to send the boy to the penitentiary. But we also knew he ought to have a lesson. Now, it was the administrative work of the court that did something in that case that spared the mother and the girl. We

secured a confession from that boy after much difficulty—that for the only time in his life he had gone wrong with this girl, who admitted she was as much to blame as the boy. By the consent and with the request of the girl's own mother, and the girl herself, the boy—after getting a taste of jail life—was put on probation on condition that he help the court protect the girls in the moving picture show. This boy was a devout church member, helped his mother and in every way was an exemplary character. But in a moment of weakness he had brought into his life the sin that comes in far more cases of such boys and girls than the public have any notion of. The Juvenile Court's motto is, "Overcome evil with good." That boy reported to the Judge of the Court regularly for over a year. He became a splendid helper in the court, and through the confidence established, we were able to bring about a much better condition in the picture show, to furnish proof of carelessness that we could not have gotten in any other way, and I am sure that the administrative work in that one case saved a number of young girls from a life of shame.

A Frank Question in Sex Cases.

Now, mothers and fathers, wasn't that better than dragging that girl through the mire of publicity, against the tearful pleas of her own mother, with all of the punishment that would come to the girl and the chances of the acquittal of the boy, in which case the court would have had no control over him and no such good work as that described could have ever been done?

But we could go on in case after case like this; cases that are actually, through the half-truths and misrepresentations of jail blotters, minute notes of court orders, given to the public to inflame their minds, so as to destroy this work that is gradually reaching into the lives of prominent citizens and politicians who are panic stricken at its far-reaching effects. They are, of course, expected to secretly line up behind the Woman's Protective League to destroy this court.

Only One of Their Outrages.

It is a crime to divulge the identity of some of the parties in some of these cases, as ruthlessly done by the Woman's Protective League, where the people are poor and friendless.

In some of these cases, of poor people, without friends or influence, we find them ruthlessly exposed; some of them have come with tearful and frenzied anxiety lest in the efforts of these people to ruin the court, they also ruin them. Some of these young people have married. Some of them have children. As a result of our administrative work, some of them are living happily, and it is only a part of the outrage and infamy of these anonymous circulars that an effort is being made to disclose their identity and to break up their homes. *It is scarcely necessary to say that neither the children, the girls nor their parents have anything but tearful gratitude and thanksgiving for this work that has been done after the manner that the Master Himself would have had us do it.* Only the devils of hate incarnate, or those honestly misled by them, have ever taken the slightest exception to it.

Juvenile Court Should Handle Sex Cases.

The truth is that this entire sex problem, as it is growing in the cities, ought to be handled by a special institution, such as the Juvenile Court of Denver. This Court differs—or has differed—from other Juvenile Courts in America. It was the only Juvenile Court that had absolute jurisdiction—chancery and common law criminal jurisdiction—to handle the case of a child and also the case of an *adult who violated laws for the protection of a child,* and that also had jurisdiction of the "adult juveniles;" that is, those between 16 and 21. The Court is in a beautiful position to build one of the greatest works and perform one of the greatest items of service ever performed in the cities, if it could only get the equipment and help necessary to carry it on. So far this jurisdiction is only co-equal with the Criminal Court. The Judge has succeeded in getting the law, but he has been unable to get the needed appropriations and officers. This is largely because of his fight for fundamental justice against the Privilege Barons that rob the cities of this country. They have often controlled the officers who supply appropriations and equipment and had under their influence such people as Whitehead, Bates and others, who make the most vindictive warfare against every move to get the equip-

ment necessary to do this work for the protection of boys and girls. For ten years, and until recently, the Juvenile Court has only three probation officers. We secured a new one by getting two young men to work for the salary of the one officer that we formerly employed. During nearly all of that period Denver has had three dog catchers.

Dog Catchers and Probation Officers.

Indeed, the appropriation for the dog catchers has exceeded that for the probation officers. In this ten years the police department has more than doubled in numbers. The Juvenile Court has been compelled to stand still because it dared make war against the causes and conditions that make for child crime and poverty and the degradation of girls.

But the Court is just beginning to make headway against this obstacle. It is gradually giving way, as other obstacles have been compelled to give way, and within another year it expects to have the equipment it has needed. As pointed out, the defeat of the adult probation law, providing such officer, was the severest blow that has been dealt the cause of boys and girls in this state for years. But that will be overcome by an appeal to the people, if a fund can be raised for the purpose.

The Unmarried.

In dealing with the sex problem, we must keep in mind that we face the staggering and appalling fact that there are seventeen million unmarried people in the United States. Nine million unmarried women above the age of 15; 8,102,000 unmarried men, age 20 and over; 7,226,000 of these men are between the ages of 20 and 44, the most marriageable age for men; 500,000 of them between 45 and 54—also a marriageable age for men. *Nearly one-half of all the marriagable people are unmarried.* That there is something dreadfully wrong in this entire sex problem goes without saying. Is civilization a conspiracy against nature? It is not due entirely to economic conditions. Such conditions are, of course, partially responsible. But there is something terribly wrong with our system of education. We see it constantly as we face this problem in a court like the Denver Juvenile Court, that was

the first Juvenile Court in America to reach anything like perfection in the way of jurisdiction and work that would reach such cases. We have had many occasions to talk with such men. They give many and varied reasons for not getting married.

It is an interesting thing that out of 30 cases shown to have been dismissed by the District Attorney in the Juvenile Court 13 of them were because the parties got married. This fact is an excellent illustration of the need of administrative work in dealing with these sex cases. If we had the equipment and probation officers we could bring about many happy unions through the right kind of talk and advice that otherwise only add to the curses of society. Great judgment and discrimination is necessarily required because, as pointed out, these cases are as different and far apart as petty lying and assassination and murder.

Our officers may suspect improprieties between some young girl and some young man. That girl would never tell if she thought it simply meant vengeance, violence and degradation. If she thought it meant that we were going to help and not hurt, uplift and not degrade, she would in many cases confide the truth, and the young man would confess the truth, and wise, helpful probation officers could get them to direct the instincts of nature in proper channels and under the rules, laws and safeguards provided by society for the protection of the child and the home.

The One Big Important Thing.

There is one big important thing that is necessary in doing this work. It is the absolute honesty and sincerity of the head of the institution created to carry it on. Necessarily, because of the very nature of the work, there may be all sorts of opportunities for graft and corruption. But no such charge has ever been made against the Juvenile Court. When the public are satisfied that they have an incorruptible head to this institution, who out of the sincerity of his heart and the average wisdom of his head, is doing the very best he can with a difficult situation in which all society is involved, and for crimes for which all society is more or less responsible, it is the biggest

thing that the public can expect. It must necessarily have a certain amount of patience and charity with such an institution. So long as it is confident that it is honest and incorruptible, it may depend upon it, however some people may differ about the disposition of particular cases, it is the very best that the public can hope for in such a work. This is not said with the idea that even as to details it may not be criticised at times, in order that it may strengthen its effectiveness. Neither should any court object to any honest criticism that is done to help and not to hurt its work, especially when it comes from its friends and not from enemies whom it knows are not trying to help children, but are trying to destroy those who are really helping children.

Great Work for Girlhood.

In conclusion it is only fair to recall some of the work that has been done through the Juvenile Court of Denver, by and with the help of some of its noble men and women. It is impossible to go into details of each of these items, but their suggestion will recall to the minds of our citizens much campaigning of the court in the legislature, before the people, at mothers' meetings, men's brotherhoods, and through pamphlet and circular—all done or issued with the usual drafts upon the strength, health and purse of the Juvenile Judge of Denver. This statement is made without any desire to boast or to claim a credit that is not due; but because of the infamous charges against the court, because his personal life, charities, acts and conduct have been constantly brought into question and misrepresented. The law of self-defense is one of the best recognized laws in every fight; and while we need no defense from our enemies whom we can never satisfy, it is only fair to recall to our friends and those good women who have helped us, and without whose help we could have done nothing, the following items of work that have been carried on, largely through the Juvenile Court in the last twelve years, primarily for the protection of the girlhood of Denver, but which, in part, has reached out to protect the girlhood of the nation.

Twenty-Five Items of Constructive Work for Girls by Juvenile Court.

1. Fight against the fire and police board in 1901 and 1902 for better protection of girls. Their public exposure and denunciation for protecting dive keepers, in whose joints they were ruined. Open denunciation of one former district attorney for taking poor man to District Court and sending him to penitentiary and showing no activity or prosecution whatever against a wealthy and prominent citizen of political influence for offense against same girl. In none of these cases where the Judge of the Juvenile Court was fighting for these girls did the creatures of special privilege backing the Woman's Protective League ever utter one word against them. They let the Judge fight these battles alone.

2. Trials and convictions in the "Cronin Wine Room Cases."

3. Fight in Supreme Court of the United States to sustain its decisions in wine room law, forbidding girls in these brothels, after District Judge Palmer had held it unconstitutional. Supreme Court sustained Juvenile Judge.

4. Trial and conviction of Pennington, Ellis, Holland, Decker and other dive-keepers, for permitting young girls in wine rooms *and their sentence to and serving long terms in jail and the break-up of the worst of the old wine-room evils. John Phillips, special Juvenile Court police officer, is entitled to most of the credit for this work.*

5. Contributory delinquency law, and fight for same. This law has been copied into thirty states and aided in the protection of millions of girls.

6. Proposed law to raise age for protection of women to 21.

7. Law providing for appointment of woman police officer.

8. Ten years ago first provided for assistant woman judge in girl cases, and proposed mandatory law for same.

9. Got a special appropriation of $1,500 for employment of two women for special work for girls.

10. When appropriation was exhausted, proposed to committee from Woman's Club to pay one-half salary to special

woman officer to look after girls' cases, if Club would pay other half.

11. For time paid salary to colored officer to look after colored girls.

12. Finding that many such cases were not divulged or prosecuted because of publicity, fought for six years for law to prevent publicity.

13. Established system of trials that prevented much of former publicity, and helped in the disclosure and prosecution of many cases which theretofore were not detected or prosecuted at all.

14. Proposed constitutional amendment providing for women jurors where they would consent to serve.

15. Finding that the plea of partial insanity was often made for attacks on girls and frequently a legal plea, by which men escaped, proposed law for the detention of such semi-insane in institutions for that purpose.

16. Finding that severity of age of consent law was its undoing, provided for probation in certain cases, that increased the number of detections, convictions and punishments in sex cases over 200 per cent above what they were formerly.

17. Finding that the troubles of many girls were due to broken home conditions and lack of care by mother, proposed and at own expense, largely, fought for Mothers' Compensation Law requiring state, in proper cases, to pay mother to stay at home and care for children.

18. Proposed and helped secure passage of law requiring county commissioners to put up fund to return to state men who desert their wives and children.

19. Proposed and helped secure passage of law (vetoed by the Governor) providing for paid adult probation officers to make this law effective, for the protection of women, and especially girls. Thousands of women and children are now suffering in this state because the powers backing the Woman's Protective League urged the Governor to veto it.

20. Proposed and helped secure passage of law requiring counties to maintain work houses, for the incarceration and employment of wife and child deserters.

21. Proposed and established a system in proper cases for securing confidence of girls to disclose names of offenders, on promise of probation for first offense, that enabled us to do something where before *absolutely nothing was done.* This resulted in a magnificent work for girls, such as was never done before in any state court, to our knowledge.

22. Established a system of work with children, whereby a number of cases that actually existed, but under the old system were never apprehended, were more than doubled. With result that something was done in these cases, even where the jury acquitted them, most of them known to be guilty, though acquitted were thus made to actually serve a jail sentence and were put to expense of trial. Court accused by members of bar defending these men with undue severity and usurpation of power in its unusual effort to thus protect girls.

23. Established a system of co-operation between the police department and the Juvenile Court, whereby a special officer was appointed to patrol the rooming house districts, wine rooms, etc., with result that the number of cases of prosecutions of dive keepers, whose places result in the ruin of girls, and detection, arrests and conviction in sex cases were more than trebled within four years. Under this system the Juvenile Court punished more such dive keepers and offenders against girls than all of the other courts in the history of the law.

24. A special method of handling sex cases in the schools without publicity, and the talks to parents, and educational work that has been quietly done. In this connection many such cases could be described. Their handling brought tears of gratitude and thanks from many mothers and fathers for the protection of their children without publicity.

25. Proposed, drafted and helped in having passed a law forbidding the district attorney to dismiss these cases without giving his reasons in writing and securing the consent of the court. This divided the responsibility. Theretofore the district attorney could dismiss such cases without the consent of the court. The law recently took effect (July, 1913). Senator Affolter is entitled to great credit in piloting this law through the legislature.

Approval by Officers Who Know.

All of the district attorneys, the chiefs of police, sheriffs, women police officers and investigators and the leading women of Denver familiar with the work approve the policy and work of the Juvenile Court in the sex cases. They have assured the Judge of the court of as much and not one of them is to be found in the Woman's Protective League.

Approval by District Attorneys.

Under date of March 28, 1913, District Attorney Elliott wrote to the Judge of the Juvenile Court, respecting these cases, as follows:

> "The method of the handling of the cases, and the disposition made of them were, in my judgment, entirely correct. We felt that the best results could be secured by the method pursued. I have had no reason to alter my opinion."

Under date of April 23, 1913, the present District Attorney, Hon. John A. Rush, writes:

> "Your policy of handling sex cases in your court has been along the right line, and one that has resulted in the greatest benefit to the boys and girls charged with this kind of crime."

From Deputy District Attorney William J. L. Crank, in a letter dated August 15, 1913:

> "When I read the charges, I took it as a joke which someone was trying to perpetrate in order to gain a little notoriety. But later, I became angered at the brazen audacity of those who would earnestly publish to the world such statements reflecting upon the Juvenile Court of Denver. Knowing you, as I have personally for the past twenty years in this city, as citizen, lawyer and Judge, I know how glaringly ridiculous these charges are, and more particularly do I know it from my four years' service as deputy district attorney of Denver, dur- all of which time I had charge of all the criminal cases coming before your court. I had a chance to observe

and study the work of the Juvenile Court in all its phases. During that time how highly did you exemplify that great precept of 'Letting mercy season justice,' and what a wholesome effect it had; but I also recall the many, many hard fights I had to secure the conviction of many offenders of a criminal bent of mind; and I now rejoice to think how speedily you meted out to them their punishment regardless of their position or station in life. Many times I have said in public and private utterances, if all the judges on the bench would administer the law in the same fearless manner as you administered it in the Juvenile Court, there would be no whispering criticisms of the judiciary. You need feel no anxiety about the situation. If this bird of ill-omen (the recall) should ever hatch, the people of Denver will wring its neck before it gets pin feathers."

Under date of March 27, 1913, Deputy District Attorney Walter W. Blood, who served for several years in the Juvenile Court, writes:

"Some of the reasons why I approved of your policy that had my co-operation when I was representing the people and the District Attorney in your court was that such a method is the best in handling such cases. Under it we were able to secure more results. It seemed to work for the prevention of crime more than any other method and because substantial justice was more generally done. In cases of statutory rape, no matter how diligent the prosecutor, it is almost impossible to secure a conviction before a jury where the only evidence is that of a girl whose reputation is not very good, as is generally the case. The defendant is fortified against this evidence by his own denial, the presumption of innocence and the reasonable doubt doctrine. To try many such cases, instead of working for the prevention of crime, encourages it by showing the offender and others that he can commit the crime with impunity, thus making a mockery of the court and the criminal law. At the same time the girl's sin and shame would be bared to the

world, which is very undesirable when nothing is secured by it."

Here Mr. Blood enters into a detailed explanation in furnishing an illustration of typical cases (types of which are already referred to in the pamphlet), as showing the advantages of the administrative work of the Juvenile Court over old methods. He concludes with this statement:

"When I say that under such a system, substantial justice is more generally done, I mean justice to the girl and society, as well as to the offender. The great number of these cases occur where the parties are not seriously immoral, but rather weak. Our records show there are a great many such cases."

Approval by Police Officers.

The police officers are in entire accord with the unanimous verdict of the district attorneys who have prosecuted in this court for the past twelve years. The present Chief of Police of Denver, Mr. Felix O'Neil, was Sheriff, Warden of the State Reformatory at Buena Vista and Police Officer in Denver for twenty years. No one is more familiar with these cases and their difficulties from the standpoint of the prosecution and the state. The Chief has written another letter, repudiating the Woman's Protective League and the authors of their circulars. In one of them Chief O'Neil writes:

Chief of Police O'Neil.

"I have had an opportunity for over ten years to know of the work being done by the Juvenile Court and its officers, both from my long connection with the Police Department of this city and from my connection with the State Reformatory at Buena Vista, also from intimate knowledge of the duties performed by Mr. J. S. Phillips, a special officer assigned to your court by the Police Department. I must say that the manner in which they (the sex cases) have been dealt with is without any doubt the most effective way in which to accomplish any real and lasting results. Any one who has occupied a

position under the city government, as I have for years past, which calls for the enforcement of the law and the protection of the community, is bound to know something of the manner in which lawbreakers are disposed of, and I state, without fear of successful contradiction, that the policy of the Juvenile Court in cases involving men and girls has resulted in better protection, at less expense, and with more permanent and lasting good than has been done by all the courts put together for the last twenty years. Any case which has to do with the morality of a girl is fraught with many difficulties and serious obstacles and requires the greatest care and judgment. And it has been a great pleasure to know that the Judge of the Juvenile Court, through his excellent corps of officers, has met the situation in a way that has been productive of great good, and if the court never did any other thing, the results of this one phase of the work done would be of untold value."

Chief of Police Armstrong.

Next to the present Chief of Police, no officer has served longer in recent years than former Sheriff and former Chief of Police Hamilton Armstrong, who was only recently defeated for Commissioner of Public Safety by the narrow margin of less than a hundred votes. Mr. Armstrong has been sheriff of Denver, and was for years Chief of Police under Mayor Robert W. Speer. Under recent date, in answer to the attacks being made upon the court, former Chief Armstrong states over his own signature:

"I wish to add my hearty approval to the manner in which such cases have been handled by the officers of your court, as well as yourself. Furthermore, I am only too glad to make a statement regarding the work of your court in these matters while I was Chief of Police. From my experience in cases of this kind, I believe the most effective work has been done in exceptional cases by placing the accused on probation under suspended sentence (to be enforced if violated) than by going to trial before a jury, which will almost invariably discharge the

prisoner for a crime of this kind, because it is exceedingly difficult to secure absolute evidence and make it hold with a jury. This is further augmented by the law of reasonable doubt, which declares that a jury must, beyond all doubt, find that the accused is guilty, and it can readily be seen how difficult it is to make it positive when the defendant has emphatically denied such crime. If the defendant is discharged, it leaves the court with no jurisdiction whatever to look after the accused, although he may have been guilty. Under the present method of sentencing a number of these prisoners to the jail for a term and then placing them on probation, it has been possible for your officers to keep watch of these men. With reference to adult offenders, I know from personal observation in watching the work of your court that in proper cases it has been your policy to impose long sentences whenever a conviction has been secured."

Statement by Sheriff Danny Sullivan.

"As Sheriff of Denver County during 1912 and 1913, I attended a number of trials of sex cases in Judge Lindsey's Court. I have made arrests in such cases and personally looked after the prosecution of some of the offenders against girls. I am satisfied that Judge Lindsey's methods in handling these cases have been a wonderful improvement over the old methods of the Criminal Court system. I know that he has imposed heavy sentences in proper cases and wisely applied the saving grace of probation in other cases. I have been impressed with some of the difficulties that he has confronted and overcome. I have seen girls brought into court who, on first appearance would make a free and voluntary statement implicating men, and then when the accused would be brought to trial they would repudiate their former statement, making conviction very difficult, if not impossible. The unmorality and wantonness of some of these young girls has surprised me beyond measure. Those not in active attendance on the court would hardly believe it. I consider the problem with which Judge Lindsey is

wrestling, and in which he has done so much good, as one of the greatest that we face in the cities. The Juvenile Court of Denver is entitled to the support of the people in the great good it has accomplished under Judge Lindsey, on the protection of Denver's girls."

By George Creel, Recently Police Commissioner.

George Creel, recently Police Commissioner states:

"As Police Commissioner of Denver I had an exceptional opportunity to know of the sex cases under the age of consent law in Colorado. I have sat with Judge Lindsey in his court during the trial and disposition of such cases. His handling of the cases has been wise and helpful, both from the standpoint of the protection of society and the child, and in proper cases the redemption of the individual. As shown by the records, the Juvenile Court has secured an increase of efficiency all along the line in these cases of from 70 to 300 per cent. I haven't the slightest doubt about these results, as shown by the tables prepared by the Juvenile Court. It squares with my own experience and knowledge of these cases under the old system that Judge Lindsey has done so much to correct. It was a God-send to Denver to have a Juvenile Court and a man like Judge Lindsey to build up a constructive, administrative work that has done more to protect the girls of Denver than all other agencies combined in the history of the city. His work has met with the hearty approval and commendation of the Police Department and of all good citizens in Denver."

Commissioner of Public Safety and Police Inspector DeLue.

Approval of Denver's Commissioner of Safety, Alexander Nisbet, and Leonard DeLue, Inspector of Police:

Mr. Alexander Nisbet, recently elected Commissioner of Public Safety for Denver, and Leonard DeLue, recently appointed Inspector of Police, have both had long experience in the detective, police and sheriff's office of Denver. They have authorized this statement:

"We heartily approve the method of the Juvenile Court in handling the sex cases, that have furnished the subject of recent attacks upon the court. The ordinary individual who has had no police experience, has very little conception of the difficulties involved in this problem. The record of the Juvenile Court in detections, convictions and something done where little was done before, is so far superior to what was accomplished before Judge Lindsey came to the Juvenile Court that any sort of comparison should convince the fair-minded of the effectiveness of the methods of the Juvenile Court in the protection of girls. It has given better protection to girls in these cases than was ever afforded before in this community, and the results have been very satisfactory."

Approval by Women Officers Who Know.

The undersigned women of Denver, who, during some part of the past year, have held the positions set opposite their names, thereby bringing them in constant touch with the sex problem in Denver and especially the protection of its girls, gladly make the following statement:

"We have the utmost confidence in the Juvenile Court of Denver and Judge Lindsey. We are familiar with its methods of handling sex cases that arise under the extreme and difficult age of consent laws existing in Colorado. Judge Lindsey has met the problem as was never met before, with results most satisfactory, especially as compared with past methods. We haven't the slightest doubt, as shown by the official records, that his work for girls has greatly increased the efficiency of the work as regards detection, prosecutions and convictions in such cases. We heartily believe in his ideas concerning probation in a certain class of these cases. We know that he has imposed heavy penalties in other cases where probation was not called for. We heartily believe in his plan of constructive and administrative work in these cases. We believe it has done more for the protection

of the girls of Denver than has been done through all the other courts in the history of the law.

JOSEPHINE A. ROCHE,
Recent appointee of Mayor Arnold and the Fire and Police Board as Inspector of Public Amusements in Denver.

MRS. HELEN C. COTTON,
For past thirteen years and at present Superintendent of the Crittenden Home for Girls in Denver.

MRS. A. M. DONALDSON,
President of Crittenden Home for Girls in Denver.

MARY LEVIN,
Inspector for the Denver Morals Commission.

MARGARET WALKER,
For five years matron of the County Jail and during time when Juvenile Court work was started.

MILDRED L. SCHROEDER,
Special Detective in leading department stores in Denver for seven years.

EXAGGERATED CHARGES OF THE JUDGE'S ABSENCES.

It is well known in Denver that, after the payment of thousands of dollars to the best detectives that Boss Evans could hire, to "get something on Lindsey," the old "Gang" have ever been reduced to the last extremity of charging this infamous falsehood, circulated with the circulars of the Woman's Protective League:

> "The campaign against him would have to be waged against him during his absence from Denver for the reason that for the past six years the 'little Judge' has not been in Denver to exceed sixty days in any one year, and during the present year he has not been in Denver since February 1st, but at the same time draws $4,000 per year from the taxpayers and Denver County is obliged to pay the expense of another judge to perform the duties which Lindsey is paid to perform while the 'little Judge' is delivering lectures throughout the country."

Only those who know the character of the authors of the Woman's Protective League could believe that they are capable of such utter depravity and disregard for the truth, as such statements convict them. It is of a piece with all of their other statements.

THE TRUTH ABOUT THE JUDGE'S ABSENCES.

For the thirteen years that the Judge has been on the bench in Denver his absences have not exceeded, on an average, those ordinarily taken by judges who go on their vacations. There have been a few years when, because of his public work in the nation in carrying from Denver, Colorado's gospel of child saving, justice and humanity, his absences have exceeded that time. But they have always been with the approval of the people. The longest period of such absences was in 1908. That was made an issue in the election. It was again made an issue in the two elections in 1912. In each instance the Judge was elected by ever increasing majorities. No such overwhelming approval was ever given a candidate in the history of contested elections in Denver. His absences are thus a part of his work and his contract with the people, and they have not been so excessive as to provoke the serious criticism of any one but his bitter enemies.

While the Judge was in the County Court he did the work that is now being done by four judges in Denver. He had the Juvenile Court and the County Court. He never had more than one judge to assist him in that work in the County Court. It was larger then, perhaps, it is at the present time, because he had a criminal docket and the children's docket. During one year of that period he held over one hundred night sessions. Since he has been exclusively in the Juvenile Court he very seldom leaves his chambers before six and six-thirty in the evening. He has spent an average of two or three nights a week in the work growing out of the court. **This extra time beyond that given or expected to be given by judges of other courts, without any pay or compensation from the people, has more than exceeded all of his absences.**

A FAIR INVESTIGATION BY REV. J. A. DEAN.

The Judge had no acquaintance with Mr. Dean when he came to this Court to go through the records to get material for his thesis. He tells us he was interested in the "stock" criticisms of the enemies of the Court, that the "Judge was away most of the time." Mr. Dean carefully investigated the records as to this charge. As to this investigation let it be said that there are 365 days in the year, from which we must deduct 65 days for Sundays and holidays, and then there is the vacation period in June, July and August, when the courts may be on their vacations, which is 90 days. It must also be remembered that

the Court, to save expense, only holds a regular court, as shown by the records, when it is necessary to dispose of cases. Much of the work of the Juvenile Court is done in chambers and at odd times when court is not in session at all. The presence of the Judge at the time of this work would not show in the ordinary court minutes as taken down by the Clerk only when Court convenes with the Judge on the bench. It is only fair to state that there are very few District Judges in this state who actually spend more than fifty per cent of the court days in the year in court. Such a record is considered a very good record. Yet Mr. Dean reports that Judge Lindsey was on the bench more than two-thirds of the possible court days in the year.

Denver, Colorado, October 1st, 1913.

Hon. Ben B. Lindsey, Judge Juvenile Court, Denver, Colorado.

Dear Sir: I first came to the Juvenile Court of Denver as a student of social problems in the spring of 1911. I had no personal acquaintance with you at that time, but having been a pastor for several years and interested in the problem of juvenile delinquency, I decided to write a thesis on the Juvenile Court of Denver that I might obtain the best first-hand information on that subject. By your courtesy I was given free access to all the Juvenile Court records. I had often heard of the stock objections against your being away so much from your court work. On my own initiative I have examined the court records from July 1, 1907, when the Juvenile Court was separated from the County Court, to December 31st, 1912, a period of five and one-half years. I have found that you were on the bench 68.6 per cent of all the court days during that period, not including the six months you were absent, from January to June, 1908, by leave of the Board of County Commissioners. This percentage is forcibly corroborated by the tabulation of cases in a recent circular by the Woman's Protective League, which shows you were the Judge in 140 out of 146 sex cases from September, 1909, to February, 1913, which proves the falsity of their reckless assertions that you have "not been in Denver to exceed sixty days in any one year."

APPOINTED BY THE CHURCH.

On July 1st, 1912, at your request, I became a probation officer in the Juvenile Court, and twice during the fifteen months since that time Bishop F. J. McConnell, of the Methodist Episcopal church, has appointed me to the position of probation officer, the Colorado Annual Conference, of which I am a member, concurring. After having collated and tabulated many facts and figures from the Juvenile Court and other records, covering the period from 1903 to 1912, I have been amazed at the quantity and quality of work done by the Court. During the five calendar years, from 1908 to 1912, the only complete years of the court's existence, separate from the County Court, 5,966 children in delinquent cases*; 1,262 children in dependency cases; 70 children given permits under the child labor law of 1911; 770 persons in adult cases; a total of at least 8,075 persons were handled by the Court or its officers.

Furthermore, during the same period the Juvenile Court has cost the city and county of Denver only $87,738.00,† or an average of $10.86 for each person handled. When one considers that this includes the Criminal Court division with the expense of jury trials, district attorneys, sheriff's service, in addition to the training and visiting of over

*The number of delinquent cases includes all of the cases complained against. While many of these cases were rather due to surplus energy and love of fun and adventure of the average boy, they always required investigation, for the complaints had been filed as though they had been really delinquent cases.

†It is interesting to note that during the same five years, the cost of the District Court—trying cases that mostly involve property—was over $750,000. The cost of the County Court—also trying cases involving property—things rather than human beings—was over $200,000.

1,500 probationers, clerk hire, office supplies, and the time required for the consideration and investigation of 8,075 persons handled, it is a wonder that so much has been done by a small, overworked force with so small an appropriation and with so little expense. Where can there be any room for anything but praise for the Juvenile Court with such a record? In recent years there has been a remarkable change in the attitude of jurists, educators and social workers towards the old methods of punishing criminals, and great value is now placed upon probation, or a chance to make good under proper guidance. This new method is applied in some cases to those found guilty of sex crimes, and I am confident after comparing records of Denver's Juvenile and Criminal Courts that the methods of probationary oversight in certain cases, with a sufficient number of officers in charge, is far better than immediate penitentiary confinement without a chance to make good, though some mistakes might occur. Any person who is trying, as you have done, to get the most out of this more humane and Christian method, should be commended and not condemned or stigmatized as one in league with brutes to destroy the purity of childhood. Having worked with children for several years, as a student of their problem and welfare, I am gratified and honored by being able to study in and be a part of the Juvenile Court of Denver and co-operate with you as its Judge for the welfare of the children of Denver.

Sincerely yours,

JESSE A. DEAN.

THE JUDGE'S WORK IN 1908.

A further comment in connection with Mr. Dean's letter is that he refers to the longest absence of the Judge in 1908. That was by leave of the Board of County Commissioners. He received absolutely no salary from the county during his absence. He spent considerable time in the South, at the invitation of Miss Sophie Wright, of New Orleans. He visited various states, delivering lectures against child labor and against the terrible jail conditions then existing in many of the Southern states, and which since that time have been largely corrected. Leading editorials in Southern papers credited many of the changes that came, both as to child labor laws and jail conditions, to the work done during that period by the Judge of the Juvenile Court of Denver. The matter was made, in part, an issue in the campaign of November, 1908, when the Judge ran independent and when his work and leave of absence given by the Board of County Commissioners met with the overwhelming approval of the people. He was elected by the largest plurality received by any candidate under handicaps and difficulties never before faced and overcome in any election in Denver. The Judge was viciously opposed by both the old party machines, the bosses and the public service corporations in league with the dive element—a combination he had consistently and persistently fought.

A WELL-UNDERSTOOD CUSTOM.

It has been the custom for years for the Judge of the Juvenile Court to have a lecture period in the spring and the fall, and deliver some Chatauqua lectures in the summer months. The spring and fall are selected because it carries him to universities, colleges, teachers' institutes, woman's clubs and other avenues of spreading a message and a gospel that cannot be reached at other seasons of the year. This has been well known and approved by the people of Denver at election after election, when it was made an issue against the Judge by his enemies, and when the people increased his majorities. During his absences the court runs right on with the able assistant judge.

THE JUDGE'S ILLNESS IN 1913.

The Judge left Denver on the 23rd of March, 1913, then in a depleted state of health, in an effort to deliver ten or twelve addresses

thus planned for this spring lecture period. He also visited Mr. Thomas A. Edison in connection with some plans for the new education in which he is interested; also to make some investigations for the protection of a class of children against child labor that the present child labor laws do not sufficiently reach. On this trip he was stricken with illness, and on the verge of a nervous breakdown he stopped at Battle Creek, Michigan, on the invitation of Dr. J. H. Kellogg, and in order to give proper attention to his physical condition. He has been furnished with certificates from his physicians at the Battle Creek Sanitarium, giving a detailed account of his illness. In these certificates, the doctors state:

> "An examination revealed him to be suffering from a very much rundown physical condition. An operation (that followed) was of a very painful character, and confined him to the hospital ward for a week.* Yet, at the same time, it was not in the least dangerous nor in any manner whatsoever to jeopardize his life. The Judge felt he could not remain here for a sufficient length of time to be cured, and insisted upon leaving several times before he did, and we urged him to remain longer because we appreciated his need for further treatment. I was personally in touch with his condition from May 9th up to Sept. 5th, and can state without any exceptions whatever that he was not only justified in being away from Denver for rest and treatment, but his physical condition demanded it. From his history, we learn that he suffers terribly from asthma and hay fever while in Denver in the summer months, and his absence at that time was justifiable in order to obviate this difficulty."

The Judge's family physicians, as well as several specialists on asthma troubles, have advised him time and again to stay out of Denver during the asthma season, in order to keep his strength and health for the fall and winter's work. **It, therefore, follows that for the year 1913 the absence of the Judge for five months and twelve days was, as to over four months of the entire period, occasioned by his breakdown and illness.** During the same period one of the District Judges was compelled to be absent through illness for some six months. We are informed that even Whitehead, the bitter enemy of the court, during the past year, has been away from his office from four to six months on account of illness, and that one of his secretaries during several years past has been away a large part of the time. Some of the Supreme Judges are said to have been away on account of illness from four to nine months during recent times. It never occasioned the slightest criticism. Of course there is a reason.

EXPENSES OF JUDGE IN RUNNING AN INSTITUTION LIKE THE JUVENILE COURT OF DENVER.

The public have little conception of the expenses that come to a man doing such a public work, not only for Denver, but participating in a similar work for the Nation and the world. It is more than a court. It is a big institution. It is necessarily a personal work. We are told that Miss Addams of Hull House, or Booker Washington of Tuskagee, in answering the demands of their work, are sometimes away from four to six months a year. There is an immense correspondence created by the very work the Court has accomplished. There is the necessity for frequent printing of pamphlets, and the circulation of literature. State officials send such letters to us to answer and the Judge, and not the State, has paid thousands of dollars for such literature. There are all sorts of demands from charity and philan-

*He was also confined to his bed with fever for another week.

thropy upon his purse that do not come to other officeholders or citizens. Some of them are impossible to resist. The Judge has frankly stated to the people, from the platform, time and again, and in printed pamphlets sent out from the court, that it was absolutely necessary if he was to carry on this work that he have these periods of absence, not only to popularize and spread the cause that he stands for, but to get the needed funds to carry on the work that has been especially expensive because of his attacks against the corrupt political influences seeking special privileges in Colorado. It has forced him into additional and expensive campaigns that, with other expenses necessitated by the work of the court, has cost him approximately $25,000. When he is away he always pays the Judge who assists him in the court. In this way the work goes right on under his direction, and there has been no just complaint from litigants or others. This assistant judge is helped by the able trained assistants in the court. Citizens of Denver frequently tell us that they would a good deal rather have this arrangement than to have this important work in some unknown and untried hands, as it would be if thrown like a bone among the politicians scrambling "for a job."

His absences then, considering his work (1) have not been excessive, have (2) never been at the expense of the taxpayers, and to carry on a work that has netted millions of dollars in savings to taxpayers; (3) and to help save millions of children throughout the world.

In the east, during July and August, he is absolutely free from attacks of asthma. Rather than rest during this time, to get the funds to carry on the work and to pay bills that have accumulated largely as a result of his campaigns for women and children, the drafting of bills and the issuing of thousands of circulars and letters in their behalf, he delivered a great many lectures during July and August to over 100,000 people in the eastern states on his favorite topics, Child Welfare, Playgrounds, Boy Scouts, Juvenile Courts, the Home, Parents, School, Church, Equal Suffrage, Social and Industrial Justice and their part in the cause of childhood. He has absolutely no apologies whatever for that work. It has been approved time and again by the people of Denver, who employ him. No one but his bitter vindictive enemies are using it in the way that it has been used throughout the country.

150 ITEMS CONSTRUCTIVE LAWS AND WORK.

In judging the record of a court, especially when it is attacked and false rumors circulated about its recall, it is perhaps excusable to call attention to some items on the credit side of its ledger. These items are only a part of those that could be cited as showing the services and value given the people that was not undertaken in the contract of the Judge, but has been done in addition to his regular work for which he is paid. The items mentioned here are primarily those for which he has not been paid by the people, except with their generous approval.

1. Over 150 items of laws and constructive work, as carefully itemized and detailed in a pamphlet issued by the Christian Citizenship Union in the May campaign of 1912 at the elections in Denver. These items consist of many original laws, like the Contributory Delinquency law—the first of its kind; the law exempting to orphan children certain sums of an estate—the first of its kind; and many others. It also calls attention to the fact that many of these laws have been copied around the world; that they have not only helped millions of children in this country, but millions of children in foreign countries. This work of the Court is shown to have been commended in the message of a former President of the United States, by two distinguished Secretaries of State in the President's Cabinet; made the subject of a special recommendation to Congress by former Secretary of State, Hon. John Hay; that the Court has been appealed to by another Secretary of State, Hon. Philander C. Knox, to assist the State Department in advising foreign governments as to children's courts and work for children. There are also grateful acknowledgments from the former Home Secretary of England, for assistance in the preparation of the Children's Bill and the Probation Laws

ngland, that are now administering to the protection of thousands of and girls. There are also grateful acknowledgments from the represen-es of many foreign countries. All of this is a work that Denver has d to contribute to the world through the Juvenile Court that Denver sustained. Denver has backed the Judge in his necessary absences that largely been responsible for popu'arizing and spreading this gospel aro d the world and advancing the cause of humanity and justice.

MILLIONS OF DOLLARS SAVED TO TAXPAYERS.

Among the savings in dollars and cents to the taxpayers in Denver alone, to say nothing of the taxpayers of other states, in the decrease of the awful cost of crime, the following items may be noted:

2.	Abolition of fee system and criminal court procedure in prosecution of children. Governor Peabody, in message to legislature in 1903, estimated saving to state of over $88,000.00 in its first three years, and in ten years	250,000.00
3.	Exposure, prosecutions and convictions in printing steal graft cases, estimated by leading politicians, saved county and state over	500,000.00
4.	Decisions in License Inspection graft cases increased collection to city of over $75,000.00 annually	300,000.00
5.	Parental School Law of 1901, required building and maintenance of parental school for truants. Estimated cost by School Board of $50,000.00 and annual maintenance $25,000.00. Law never complied with because made unnecessary by co-operative probation system between home, school and court by Juvenile Court. Saving in twelve years by this system, on building	50,0000.00
6.	Maintenance dispensed with for twelve years at estimated saving of $25,000.00 per annum	300,000.00
7.	Inaugurated new system of record bookkeeping in County Court, and in six and one-half years saved from extra clerical hire and other expenses, to turn over to county in cash from excess fees earned (more than turned over in history of court)	50,000.00
8.	Inaugurated system sending most of prisoners alone to institutions, estimated saving in fees from old system	5,000.00
9.	Organized County Judges Association, and proposed probate code, simp'ifying procedure and saving fee charges against estates of widows and orphans, making saving (estimated by able lawyers) to them in this state in ten years, of	500,000.00
10.	Tried and afterwards wrote "Beast and the Jungle" to defeat franchise thieves, and by helping in defeat of one grab to be at least	$20,000,000.00

COMPARATIVE COST OF COURTS AS SHOWN IN 1912.

Pays out of his salary Assistant Judge of Juvenile Court, and runs court trying cases involving people—over 1,000 men, women and children, annually on budget of only	$17,000.00
(This includes nearly one-third as many criminal cases as in entire West Side Court.)	
As against District Court, in which was filed only 2,167 cases, involving property and only five hundred involving men, at annual cost of	160,000.00
And County Court, in cases mostly involving property, on expense approximately	50,000.00
Reduced delinquency in Denver in ten years. as shown by records and statements of Chiefs of Police, over	100%
Increased efficiency in sex cases concerning children and girls in detections, prosecutions, convictions and punishments in all directions, as shown by the court record, an average of from 70%	to 300%

In doing all this constructive work, saving the millions of money and thousands of boys and girls involved, gave as many hours on the bench and more hours of actual work, and saved more money and human beings to the people—as can be shown by the records—than any judge in the history of the state.

Not as a boast, but in defense of a record assailed, we challenge the enemy to start their recall petitions, and we will meet them in the hustings and make good all these items of work, of saving in dollars, cents and human beings. If it is a reason to recall the head of the institution that, with the help of its friends among the women

and men of Denver, accomplish a this record of constructive, hel citservice, we can surely stand it if the people can. nkly

But the people in that struggle will not vote it a crime for a nted lic servant to do more than he is hired to do—to give more of his sarv strength and purse than he is expected to do. They will repeat their generous approval as shown in the following ten elections and appointments in twelve years:

APPROVED BY PEOPLE TEN TIMES.

1. Appointed Judge December, 1900, by Board of County Commissioners to finish unexpired term of Judge Steele, who became Chief Justice of Colorado.

2. Elected November, 1902, by 5,000 majority, leading ticket by average vote of 3,000.

3. Elected May, 1904, city and county election, by largest majority given any candidate, and carrying every precinct in Denver.

4. Elected November, 1904, state election, by largest majority given any candidate, and carrying every precinct in Denver.

5. Juvenile Court legislated out of County Court, and appointed Judge by County Commissioners, July, 1907.

6. Elected November, 1908, independent and alone against both party machines, with largest plurality given any candidate—carrying nearly every precinct in Denver.

7. Judicial opinion holding office vacant in 1911 by legal technicalities, and appointed Judge by Hon. Robert W. Speer, then Mayor of Denver.

8. Elected May, 1912, city and county election, by 27,000 majority out of less than 60,000 votes cast for the office, and carrying every precinct in Denver. In University Park precinct—home of Chancellor Buchtel—vote was Lindsey 220, Gavin 36.

9. Elected state primary election 1912 as non-partisan candidate of Democratic party and nominated by Progressives.

10. Elected state election, November, 1912, against candidate of Republican party by following vote in city: Lindsey, 45,251; Lang, 10,247; majority for Lindsey, 35,000. Carried every precinct in Denver, including University precinct—home of Chancellor Buchtel—by following vote: Lindsey, 228; Lang, 32.